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THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO EASTERN DIVISION IN RE: NATIONAL : HON DAN A PRESCRIPTION OPIATE : POLSTER LITIGATION : : APPLIES TO ALL CASES : NO : 1:17-MD-2804 : : -HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER CONFIDENTIALITY REVIEW January 9, 2019 Videotaped deposition of JINPING McCORMICK, taken pursuant to notice, was held at the offices of Kessler Topaz Meltzer & Check, 280 King of Prussia Road, Radnor, Pennsylvania, beginning at 9:13 a m , on the above date, before Michelle L Gray, a Registered Professional Reporter, Certified Shorthand Reporter, Certified Realtime Reporter, and Notary Public GOLKOW LITIGATION SERVICES 877 370 3377 ph 917 591 5672 fax deps@golkow.com	1 APPEARANCES: 2 ROBBINS GELLER RUDMAN & DOWD, LLP 3 BY: AELISH M BAIG, ESQ Post-Montgomery Center 4 One Montgomery Street, Suite 1800 San Francisco, California 94104 5 (415) 288-4545 aelishb@rgrdlaw com 6 - and - 7 ROBBINS GELLER RUDMAN & DOWD, LLP 8 BY: CARISSA J DOLAN, ESQ 655 West Broadway, Suite 1900 9 San Diego, California 92101 (619) 231-1058 10 cdolan@rgrdlaw com Representing the Plaintiffs 11 12 GERMANO LAW, LLC BY: JUDITH H GERMANO, ESQ 13 460 Bloomfield Avenue, Suite 200 Montclair, New Jersey 07042 14 (201) 247-7970 jgermano@germanolaw com 15 Representing the Witness 16 MORGAN LEWIS & BOCKIUS, LLP 17 BY: JONATHAN E MAIER, ESQ 1111 Pennsylvania Avenue, NW 18 Washington, DC 20004 (202) 739-5806 19 Jonathan maier@morganlewis com Representing the Defendant, Teva Pharmaceuticals	Page 2
Page 3 1 APPEARANCES: (Cont'd) 2 3 KIRKLAND & ELLIS, LLP BY: TIMOTHY W KNAPP, ESQ 4 300 North LaSalle Street Chicago, Illinois 60654 5 (312) 862-2595 Timothy knapp@kirkland com 6 - and - KIRKLAND & ELLIS, LLP 8 BY: CATIE VENTURA, ESQ 655 15th Street, NW 9 Washington, D C 20005 (202) 879-5907 10 catie ventura@kirkland com Representing the Defendant, Allergan Finance 12 JONES DAY 13 BY: SARAH G CONWAY, ESQ 555 South Flower Street, 14 50th Floor Los Angeles, California 90071 15 (213) 489-3939 Sgconway@jonesday com 16 Representing the Defendant, Walmart 7 COVINGTON & BURLING, LLP 18 BY: CLAYTON BAILEY, ESQ 850 Tenth Street, NW 19 Suite 586N Washington, D C 20001 20 (202) 662-5769 Cbailey@cov com 21 Representing the Defendant, McKesson Corporation	1 TELEPHONIC APPEARANCES: 2 3 ALLEGAERT, BERGER & VOGEL, LLP BY: LAUREN J PINCUS, ESQ 4 BY: DAVID A SHAIMAN, ESQ 111 Broadway, 20th Floor 5 New York, New York 10006 (212) 616-7060 6 Ipincus@abv com 6 dshaiman@abv com 7 Representing the Defendant, Rochester Drug Co-Op 8 9 BAKER HOSTETLER, LLP BY: MELISSA D BERTKE, ESQ 10 127 Public Square, Suite 2000 Cleveland, Ohio 44114 (216) 861-7309 mbertke@bakerlaw com 12 Representing the Defendants, Endo Health Solutions; Endo Pharmaceuticals, Inc; 13 Par Pharmaceutical Companies, Inc f/k/a Par Pharmaceutical Holdings, Inc 14 15 REED SMITH LLP BY: SHANA E RUSSO, ESQ 16 Princeton Forrestal Village 136 Main Street, Suite 250 17 Princeton, New Jersey 08540 (609) 987-0050 18 srusso@reedsmith com Representing the Defendant, 19 AmerisourceBergen Drug Corporation ALSO PRESENT: 21 VIDEO TECHNICIAN: 22 Dan Lawlor 23 LITIGATION TECHNICIAN Zach Hone	Page 4

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1 A. Yes. 2 BY MS. BAIG: 2 Q. How many time 3 Q. Hi, good morning, 3 A. Several times.	Page 14
2 BY MS. BAIG: 2 Q. How many time	
19 mars of the second of the s	es?
Q. In, good morning,	
4 Ms. McCormick. 4 Q. Okay. And did	l vou have it
5 A. Good morning. 5 taken before in relation to	N-01
6 Q. We met briefly off the 6 Actavis?	to your work at
7 record. But could you please state your 7 A. No.	
8 name and address for the record? 8 Q. Did you have it	t token hefore
9 A. Jinping McCormick. I live 9 in relation to your work	
10 A. Shiping McCollinck. The grant in relation to your work	at Aiphaima:
11 A. No. 11 Q. Okay. What di	d vou do to
	Control of the contro
14 Apologies. We'd just request a 14 the oh, then Teva's con	
15 stipulation that an objection for 15 Q. Okay. And you	
one of either the defendants' 16 represented by whom to	5.00 P. C.
17 counsel or Ms. McCormick's 17 A. By maybe just	st have them
18 counsel, counts as an objection 18 say their name.	
19 for all. 19 Q. So are you repr	70
20 MS. BAIG: That's fine. 20 A. Oh, yeah, I do	
21 MR. MAIER: Thank you. 21 Q Allergan and	
22 BY MS. BAIG: 22 counsel, or are you repre	esented by
Q. Ms. McCormick, have you ever 23 Ms. Germano?	
24 had your deposition taken before? 24 A. I am represente	ed by
Page 15	Page 16
1 Ms. Germano. 1 documents in preparation	n for your
2 Q. Okay. Are you also 2 deposition testimony her	
3 represented by Allergan and Teva's 3 A. Yes.	
4 counsel? 4 Q. And did those of	documents
5 A. Yes. 5 refresh your recollection	
6 Q. Okay. And you have had your 6 various issues?	<u> </u>
7 deposition taken before how many times? 7 A. Yes.	
8 A. I don't remember exact 8 Q. And do you rec	call do vou
9 numbers. A few times. 9 recall what documents y	
10 Q. Few times. But you are 10 A. We have review	The state of the s
11 familiar with the procedures of a 11 documents, but nothing	SOUTH CONTRACTOR AND
12 deposition then? 12 Q. You reviewed 6	
13 A. Yes. 13 your time at Actavis?	
14 Q. And you understand that your 14 A. Yes.	
15 testimony today is under oath? 15 Q. Primarily?	
16 A. Yes. 16 A. Yeah.	
17 Q. And you if you do not 17 Q. Anything else t	that you
	init you
	ctavis as vou
18 understand a question that I am asking, 18 recall reviewing?	iciavis as you
18 understand a question that I am asking, 19 please ask me to rephrase. 18 recall reviewing? 19 A. E-mails from A	100
18 understand a question that I am asking, 19 please ask me to rephrase. 20 A. Sure. 18 recall reviewing? 19 A. E-mails from A	Il looking at
18 understand a question that I am asking, 19 please ask me to rephrase. 20 A. Sure. 21 Q. Otherwise I'll assume that 21 Q. You don't recal	ll looking at
18 understand a question that I am asking, 19 please ask me to rephrase. 20 A. Sure. 21 Q. Otherwise I'll assume that 22 you have understood. Okay? 18 recall reviewing? 19 A. E-mails from A 20 stated. 21 Q. You don't recal 22 anything else?	ll looking at
18 understand a question that I am asking, 19 please ask me to rephrase. 20 A. Sure. 21 Q. Otherwise I'll assume that 18 recall reviewing? 19 A. E-mails from A 20 stated. 21 Q. You don't recal	-

	Page 17		Page 18
1	first work on opioids?	1	Q. On various special projects?
2	A. Actavis.	2	A. On various projects, yes.
3	Q. You didn't work on opioids	3	Q. Okay. And were you in the
4	at all at Alpharma?	4	marketing division?
5	A. Alpharma let's see. I	5	A. Not when I started in that
6	don't remember the timeline exactly when	6	position.
7	it became Alpharma and Actavis.	7	Q. Okay. Which division were
8	Q. Okay. And your position	8	you in when you started?
9	at when did you first start working at	9	A. I was not in marketing, I
10	Alpharma?	10	was just in general management.
11	A. 2004.	11	Q. Okay. And when did you
12	Q. Okay. And what was your	12	switch over to the marketing department
13	position there?	13	at Alpharma?
14	A. I was senior business	14	A. Six months after I started.
15	analyst.	15	Q. And what were your
16	Q. And what were your	16	responsibilities in the marketing
17	responsibilities there?	17	department at Alpharma?
18	A. I was working on special	18	A. I started out as a marketing
19	projects for business analytics.	19	manager or product manager.
20	Q. What does that mean?	20	Q. For what products?
21	A. I was working with special	21	A. For a selection for
22	projects that the general manager deemed	22	wholesale products, a number of them.
23	appropriate and important for the	23	Q. Do you recall whether any of
24	company.	24	those products were opioids?
	Page 19		Page 20
1	A. I do not remember specific	1	record for just a moment? Going
2	products at that now, so many years	2	off record. The time is 9:19.
3	ago.	3	(Short break.)
4	Q. Okay. So you don't remember	4	THE VIDEOGRAPHER: We are
5	any of the products that you worked on	5	going back on record, beginning of
6	when you were at Alpharma?	6	Media File 2. The time is 9:26.
7	A. Just at the beginning,	7	BY MS. BAIG:
8	right?	8	Q. So what were the various
9	Q. When you were in the	9	positions that you held at Alpharma?
10	marketing department at Alpharma?	10	A. Senior business analyst to
11	A. Yeah.	11	start with, then marketing manager, and
12	Q. Before you were with	12	at some time post-Alpharma, the company
13	Actavis?	13	became Actavis.
14	A. Right.	14	Q. And when the company became
15	Q. You don't remember any of	15	Actavis, did that change your
16	those products?	16	responsibilities at all?
17	A. I remember products. I just	17	A. No.
18	don't remember exactly what the products	18	(Document marked for
19	are at this moment, because there are so	19	identification as Exhibit
		1 00	Allergan-McCormick-1.)
20	many products. And more products were	20	-
20 21	added as I as I progressed, because I	21	BY MS. BAIG:
20 21 22	added as I as I progressed, because I have been there for eight years.		BY MS. BAIG: Q. We'll have this document
20 21 22 23	added as I as I progressed, because I have been there for eight years. THE VIDEOGRAPHER: Excuse me	21 22 23	BY MS. BAIG: Q. We'll have this document marked as Exhibit 1.
20 21 22	added as I as I progressed, because I have been there for eight years.	21 22	BY MS. BAIG: Q. We'll have this document

	Page 21		Page 22
1	stamped Acquired Actavis 00588522 through	1	Laboratories. That's where I am working
2	588525. And it appears to be a copy of	2	today.
3	your resumé as of August of 2012; is that	3	Q. Okay. And are you currently
4	right?	4	working on any opioid products at
5	A. Yes.	5	Dr. Reddy's?
6	Q. And is this a true and	6	A. Yes.
7	correct copy of your resumé and your	7	Q. Which products are you
8	accomplishments and positions held as of	8	working on there?
9	that time?	9	A. Oxycodone acetaminophen.
10	A. Appears so.	10	Q. Any other opioid products?
11	Q. And so here you have that	11	A. There are other Schedule II.
12	you were working at Actavis from 2004 to	12	Methylplenidate, mixed amphetamine salts.
13	the to the then present, 2012,	13	Q. Anything else?
14	correct?	14	A. Some of the pipeline
15	A. So I started in 2004 in	15	products.
16	Alpharma, then Alpharma became Actavis.	16	Q. Okay. Yes.
17	And then I stayed with the company till	17	And what is your position at
18	the end of 2012.	18	Dr. Reddy's?
19	Q. Okay.	19	A. I'm the vice president of
20	A. Yes.	20	sales and marketing for Retail Rx product
21	Q. And where did you go in	21	for the U.S. market.
22	2012?	22	Q. When you were a senior
23	A. So at the beginning of 2013	23	business analyst at Alpharma, who did you
24	I joined the company called Dr. Reddy's	24	report to?
	Page 23		Page 24
1	A. Doug Boothe.	1	I couldn't remember now.
2	Q. And who did he report to?	2	Q. Okay. When you were at
3	A. Fred Lynch. If I remember	3	Actavis, your first did you did
4	correctly.	4	your position stay the same when Alpharma
5	Q. And who did he report to?	5	became Actavis?
6	A. I'm not sure. I think he	6	MS. VENTURA: Objection to
7	reported to the CEO. But I'm not	7	form.
8	100 percent sure.	8	THE WITNESS: I had the same
9	Q. The CEO of Allergan?	9	position and title.
10	A. Of Alpharma.	10	BY MS. BAIG:
11	Q. CEO of Alpharma. Do you	11	Q. And did you have the same
12	know who that was at the time?	12	reporting structure?
13	A. I don't I don't remember	13	A. Yes.
14	now. I did know back then.	14	Q. That didn't change?
15	Q. Okay. And when you moved	15	A. That's correct.
16	from your position of senior business	16	Q. Okay. And at what point
17	analyst to marketing manager at Alpharma,	17	at what point did your position change
18	who did you report to?	18	from the position of marketing manager?
19	A. I reported to Joe Corsetti.	19	A. You mean from the marketing
20	Q. And what was his position?	20	manager to senior manager?
21	A. He was the director of	21	Q. Yes.
22	marketing.	22	A. It's some time in 2006.
0.0			
23	Q. And who did he report to?	23	Q. So you went from marketing
23 24	Q. And who did he report to?A. I'm not really sure. I mean	24	manager?

	Page 25		Page 26
1		1	sales, pricing and contract teams, making
2	A. To senior manager.	2	significant contributions by achieving
	Q. To senior manager. To?A. Director.		four consecutive years of sales and
3		3	·
4	Q. Director of marketing?	4	profit growth and exceeding budget in a
5	A. Marketing.	5	highly competitive and dynamic
6	Q. And was that the last	6	marketplace.
7	position that you held at Actavis?	7	Is that a fair summary of
8	A. Yes.	8	what you were doing in that position at
9	Q. And when you were director	9	that time?
10	of marketing, were you director of	10	A. Yes.
11	marketing for brand name drugs and	11	Q. And in the next bullet point
12	generic drugs?	12	where you have strategize with VP of
13	A. Only generic drugs.	13	sales and marketing, was that Mike
14	Q. And who was in charge of	14	Perfetto?
15	marketing of brand name drugs?	15	A. That's correct.
16	A. Nathalie Leitch.	16	Q. But you didn't report to
17	Q. So when you were director of	17	Mike Perfetto?
18	generic marketing at Actavis, is this,	18	A. I did at that time. As the
19	looking at the first page of your resumé	19	director of marketing I reported to Mike
20	here, is this a fair summary of your	20	Perfetto.
21	responsibilities in that position,	21	Q. Okay. So when did your
22	starting with bullet Bullet Number 1,	22	reporting structure change?
23	that you led generic prescription	23	A. When I got promoted to the
24	marketing team, partnering closely with	24	director of marketing, that's the head of
	Page 27		Page 28
1	marketing, then I reported to Mike	1	opioid products you were marketing?
2	Perfetto.	2	A. Yes.
3	Q. Okay. And Mike Perfetto	3	Q. Which ones?
4	reported to whom?	4	A. Oxycodone immediate-release
5	A. Doug Boothe.	5	tablets, Oxycodone extended-release
6	Q. And Doug Boothe reported to?	6	tablets that's generic for OxyContin.
7	A. Doug Boothe reported to a	7	There's fentanyl patch. Oxymorphone
8	number of people over the years, because	8	extended-release, that's generic for
9	there was, of course, management change.	9	Opana ER. What other one? There's the
10	Q. Mm-hmm.	10	authorized generic, generic Kadian, so
11	A. At one time he reported to	11	that's generic morphine sulfate
12	Siggi Olafsson.	12	extended-release. What other ones?
13	Q. To who?	13	If you showed me a list, it
14	A. Siggi Olafsson.	14	probably would help.
1		15	Q. We'll get to that, I'm sure,
15	Q. Okay. What was Siggi	1 1 2	Q. We fi get to that, I fill sure,
15 16	Q. Okay. What was Siggi Olafsson's position?	16	in the documents.
16	Olafsson's position?	16	in the documents.
16 17	Olafsson's position? A. He was the CEO for a period	16 17	in the documents. A. Okay. That's just off the
16 17 18	Olafsson's position? A. He was the CEO for a period of time. Like I said, Doug also reported	16 17 18	in the documents. A. Okay. That's just off the top of my head.
16 17 18 19	Olafsson's position? A. He was the CEO for a period of time. Like I said, Doug also reported to others when the management changed at	16 17 18 19	in the documents. A. Okay. That's just off the top of my head. Q. Okay.
16 17 18 19 20	Olafsson's position? A. He was the CEO for a period of time. Like I said, Doug also reported to others when the management changed at the top, at the corporate.	16 17 18 19 20	in the documents. A. Okay. That's just off the top of my head. Q. Okay. (Telephonic interruption.)
16 17 18 19 20 21	Olafsson's position? A. He was the CEO for a period of time. Like I said, Doug also reported to others when the management changed at the top, at the corporate. Q. Mm-hmm.	16 17 18 19 20 21	in the documents. A. Okay. That's just off the top of my head. Q. Okay. (Telephonic interruption.) THE VIDEOGRAPHER: Going off
16 17 18 19 20 21 22	Olafsson's position? A. He was the CEO for a period of time. Like I said, Doug also reported to others when the management changed at the top, at the corporate. Q. Mm-hmm. As the director of marketing	16 17 18 19 20 21 22	in the documents. A. Okay. That's just off the top of my head. Q. Okay. (Telephonic interruption.) THE VIDEOGRAPHER: Going off the record. The time is 9:38.
16 17 18 19 20 21 22 23	Olafsson's position? A. He was the CEO for a period of time. Like I said, Doug also reported to others when the management changed at the top, at the corporate. Q. Mm-hmm. As the director of marketing of generic products, do you recall at	16 17 18 19 20 21 22 23	in the documents. A. Okay. That's just off the top of my head. Q. Okay. (Telephonic interruption.) THE VIDEOGRAPHER: Going off the record. The time is 9:38. (Short break.)
16 17 18 19 20 21 22	Olafsson's position? A. He was the CEO for a period of time. Like I said, Doug also reported to others when the management changed at the top, at the corporate. Q. Mm-hmm. As the director of marketing	16 17 18 19 20 21 22	in the documents. A. Okay. That's just off the top of my head. Q. Okay. (Telephonic interruption.) THE VIDEOGRAPHER: Going off the record. The time is 9:38.

	Page 29		Page 30
1	going back on record. Beginning	1	left the company.
2	of Media File 3. The time is	2	Q. So they were preparing to
3	9:42.	3	launch in 2013?
4	BY MS. BAIG:	4	MS. VENTURA: Objection to
5	Q. So when you were at Actavis,	5	form.
6	did you work on any drugs that were used	6	MR. MAIER: Objection, form.
7	to help with opioid addiction?	7	THE WITNESS: When I was
8	A. Yes.	8	there, we were preparing to launch
9	Q. What drugs were those?	9	in 2012, but did not launch till
10	A. That's Suboxone sublingual	10	after I left.
11	tablets.	11	BY MS. BAIG:
12	Q. And what do you recall about	12	Q. And what did you do in
13	your marketing efforts with respect to	13	connection with the preparation to launch
14	Suboxone?	14	Suboxone in when you were there?
15	MS. VENTURA: Objection to	15	A. I was working with product
16	form.	16	development team and project manager to
17	THE WITNESS: We were	17	make sure we have, you know, product
18	getting ready to launch. The	18	available and ready to launch from both
19	product was not launched while I	19	technical and the market perspective.
20	was there. It was launched later.	20	Q. Which product development
21	BY MS. BAIG:	21	team, who was on your product development
		22	team for Suboxone?
22	Q. When was the product		
23	launched? Do you know?	23	A. I don't remember now. It
24	A. I did not track post I	24	was a team in the R&D organization and
	Page 31		Page 32
1	the technical services.	1	materials created in connection with
2	Q. You don't remember anybody	2	Suboxone?
3	on that team?	3	MR. MAIER: Objection to
4	A. No, I don't.	4	form.
5	Q. Do you recall the project	5	THE WITNESS: No. It was
6	manager that was working on the Suboxone	6	too early.
7	launch in 2012?	7	BY MS. BAIG:
8	A. Project manager, I think	8	Q. Would there have been
9	it's Bruce Sullivan.	9	product launch materials created in
10	Q. And when you say you were	10	connection with Suboxone when you were
11	working with the product development team	11	there?
12	and the product manager	12	MR. MAIER: Objection to
13	A. Project manager.	13	form.
14	Q project manager in	14	THE WITNESS: No.
15	connection with the launch, what did that	15	BY MS. BAIG:
16	work entail exactly?	16	Q. It was too early?
17	A. We would have regular	17	A. Right.
18	meetings talking about various tasks	18	Q. So that happened after you
19	and both technical and prep and	19	left? I mean, it would have happened
20	just technical and logistic to get the	20	after you left?
21	product ready so we can so we have	21	MS. VENTURA: Objection.
22	enough product to when the approval	22	MR. KNAPP: Objection.
23	comes.	23	THE WITNESS: In the normal
24	Q. And so were there marketing	24	course of business, I would
1	2. I ma 23 mare mare mannering		course of submices, i would

	Page 33		Page 34
1	yeah, I would think that is what	1	generally. I mean, what is that award
2	happened.	2	for?
3	MS. VENTURA: I would like	3	A. The DIANA award was offered
4	to just note for the record that	4	by the HDMA. It's industry association
5	objection that was made was	5	for healthcare distribution. So the
6	objection to foundation.	6	wholesaler distributor of medicines, that
7	BY MS. BAIG:	7	organization.
8	Q. I think you noted on your	8	The award offers different
9	resumé you received a prestigious HDMA	9	categories for both the brand and generic
10	DIANA award. DIANA refers to	10	companies and brand and generic product.
11	Distribution Industry Awards for Notable	11	Q. And you included it on your
12	Achievement in Healthcare; is that right?	12	resumé because you were in charge of the
13	A. Yes. It meaning the	13	launch of oxymorphone ER; is that right?
14	company. The company received the award.	14	A. It was in my group, yeah, so
15	Q. I see. Okay. That was for	15	we managed the launch of the product.
16	the best new generic product introduction	16	Q. On the next page of your
17	category; is that right?	17	resumé, you have listed for the years
18	A. Yes.	18	2005 and 2006, marketing manager for U.S.
19	Q. And so what exactly was that	19	human pharmaceuticals at Alpharma.
20	award received for?	20	Do you see that?
21	A. It was for the introduction	21	A. Yes.
22	of oxymorphone ER.	22	Q. Okay. And it states here
23	Q. Okay. And can you tell me a	23	that you conducted a variety of market
24	little bit about the DIANA award	24	research.
	Page 35		Page 36
1	Do you see that?	1	that what does that data show you?
2	A. Yes.	2	A. So IMS it depends on the
3	Q. Using IMS, Wolters Kluwer,	3	subscription you have. Typically it
4	and MediSpan.	4	would have the sales dollar, the volume
5	Do you see that?	5	by strength, by NDC, by prescription
6	A. Yes.	6	numbers, and in multiple years. That's
7	Q. What type of market research	7	the kind of data we purchased.
8	were you conducting at that time?	8	MS. BAIG: We can go off the
9	A. So these are second degree	9	record for a moment.
10	market research using the data provided	10	THE VIDEOGRAPHER: Going off
11	by these firms IMS, Wolters Kluwer, and	11	the record at 9:50.
12	MediSpan. I don't remember specific	12	(Short break.)
13	research. But typically the research	13	THE VIDEOGRAPHER: We are
14	I've done at Alpharma was about the, you	14	going back on record. Beginning
15	know, industry trend, product-specific	15	of Media File 4. The time is
16	movement, product-specific change,	16	9:55.
17	different, you know, dosage forms, and	17	BY MS. BAIG:
18	how companies in the company's	18	Q. So you testified that the
1.0	portfolio.	19	IMS data allows you to track sales
19		20	dollars, volume of sales by strength and
20	So typically of that nature,		
20 21	the volumes of particular products, the	21	by NDC, correct?
20 21 22	the volumes of particular products, the sales.	21 22	by NDC, correct? A. Yes.
20 21 22 23	the volumes of particular products, the sales. Q. And what is the	21 22 23	by NDC, correct? A. Yes. Q. Okay. And it allows you to
20 21 22	the volumes of particular products, the sales.	21 22	by NDC, correct? A. Yes.

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1	customers?	1	A. So IMS has so from a
2	MR. MAIER: Objection to	2	practical point of view, IMS sales
3	form.	3	captures the pharmacy what a pharmacy
4	THE WITNESS: It's sales for	4	paid to where they get the product from.
5	the entire U.S. market. For every	5	And we have to keep in mind that the data
6	product that IMS obtains data for.	6	is not 100 percent, it's not collected
7	BY MS. BAIG:	7	100 percent. So IMS uses their own
8	Q. So it allows you to track	8	methodology to project to the 100 percent
9	the sales not only for your customers,	9	of the market.
10	but also for your competitors' customers,	10	Q. I see. And this data, does
11	correct?	11	that allow you to generally to track
12	MR. MAIER: Objection to	12	market share?
13	form.	13	A. Yes.
14	THE WITNESS: IMS sales,	14	Q. And to track highest
15	yes.	15	prescribers?
16	BY MS. BAIG:	16	MS. VENTURA: Objection to
17	Q. What do you mean by IMS	17	form.
18	sales?	18	THE WITNESS: So the data
19	A. IMS has its own methodology	19	generic use, we do not get data by
20	to collect data and project data in their	20	prescriber. Only the national
21	own, you know, with their proprietary	21	level aggregated data.
22	methodology. That's not the same as the	22	BY MS. BAIG:
23	company's reported sales.	23	Q. So only to the pharmacy
24	Q. How is it different?	24	level, is that what you're saying?
	Page 39		Page 40
1	MR. MAIER: Objection to	1	Q. I see. And if you wanted to
2	form.	2	see at any point were you tracking
3	MS. VENTURA: Objection.	3	your downstream customers, were you
4	THE WITNESS: No. Not even	4	tracking the sales of, say, various
5	what we have. We do not have the	5	pharmacies?
6	ability to the pharmacy level	1	pharmacies?
		6	•
7		6 7	MR. MAIER: Objection to form.
	data either. We have just		MR. MAIER: Objection to form.
7		7	MR. MAIER: Objection to
7 8	data either. We have just national aggregate, no regional	7 8	MR. MAIER: Objection to form. MS. VENTURA: Objection to
7 8 9	data either. We have just national aggregate, no regional data.	7 8 9	MR. MAIER: Objection to form. MS. VENTURA: Objection to form.
7 8 9 10	data either. We have just national aggregate, no regional data. BY MS. BAIG:	7 8 9 10	MR. MAIER: Objection to form. MS. VENTURA: Objection to form. THE WITNESS: That data was
7 8 9 10 11	data either. We have just national aggregate, no regional data. BY MS. BAIG: Q. Through IMS?	7 8 9 10 11	MR. MAIER: Objection to form. MS. VENTURA: Objection to form. THE WITNESS: That data was not available. Or at least the
7 8 9 10 11 12	data either. We have just national aggregate, no regional data. BY MS. BAIG: Q. Through IMS? A. Yes.	7 8 9 10 11 12	MR. MAIER: Objection to form. MS. VENTURA: Objection to form. THE WITNESS: That data was not available. Or at least the data we purchased did not contain
7 8 9 10 11 12 13	data either. We have just national aggregate, no regional data. BY MS. BAIG: Q. Through IMS? A. Yes. Q. So if IMS did not give you	7 8 9 10 11 12 13	MR. MAIER: Objection to form. MS. VENTURA: Objection to form. THE WITNESS: That data was not available. Or at least the data we purchased did not contain such data. BY MS. BAIG:
7 8 9 10 11 12 13 14	data either. We have just national aggregate, no regional data. BY MS. BAIG: Q. Through IMS? A. Yes. Q. So if IMS did not give you pharmacy level data, what data is it	7 8 9 10 11 12 13 14	MR. MAIER: Objection to form. MS. VENTURA: Objection to form. THE WITNESS: That data was not available. Or at least the data we purchased did not contain such data. BY MS. BAIG:
7 8 9 10 11 12 13 14 15	data either. We have just national aggregate, no regional data. BY MS. BAIG: Q. Through IMS? A. Yes. Q. So if IMS did not give you pharmacy level data, what data is it actually, is it providing the data for	7 8 9 10 11 12 13 14 15	MR. MAIER: Objection to form. MS. VENTURA: Objection to form. THE WITNESS: That data was not available. Or at least the data we purchased did not contain such data. BY MS. BAIG: Q. From IMS? A. From IMS.
7 8 9 10 11 12 13 14 15	data either. We have just national aggregate, no regional data. BY MS. BAIG: Q. Through IMS? A. Yes. Q. So if IMS did not give you pharmacy level data, what data is it actually, is it providing the data for the wholesalers?	7 8 9 10 11 12 13 14 15	MR. MAIER: Objection to form. MS. VENTURA: Objection to form. THE WITNESS: That data was not available. Or at least the data we purchased did not contain such data. BY MS. BAIG: Q. From IMS? A. From IMS. Q. Okay. Was that data
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7 8 9 10 11 12 13 14 15 16 17 18	data either. We have just national aggregate, no regional data. BY MS. BAIG: Q. Through IMS? A. Yes. Q. So if IMS did not give you pharmacy level data, what data is it actually, is it providing the data for the wholesalers? MR. MAIER: Objection to form. THE WITNESS: So the data we purchased provide the total U.S.	7 8 9 10 11 12 13 14 15 16 17 18 19 20	MR. MAIER: Objection to form. MS. VENTURA: Objection to form. THE WITNESS: That data was not available. Or at least the data we purchased did not contain such data. BY MS. BAIG: Q. From IMS? A. From IMS. Q. Okay. Was that data available to you through any other means? A. The pharmacy level would be
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7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	data either. We have just national aggregate, no regional data. BY MS. BAIG: Q. Through IMS? A. Yes. Q. So if IMS did not give you pharmacy level data, what data is it actually, is it providing the data for the wholesalers? MR. MAIER: Objection to form. THE WITNESS: So the data we purchased provide the total U.S. market data. So as a country, total sales, total volumes for a	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR. MAIER: Objection to form. MS. VENTURA: Objection to form. THE WITNESS: That data was not available. Or at least the data we purchased did not contain such data. BY MS. BAIG: Q. From IMS? A. From IMS. Q. Okay. Was that data available to you through any other means? A. The pharmacy level would be available through our internal chargeback data, if that chargeback data was

	Page 41		Page 42
1	track the pill from Actavis all the way	1	chargeback data?
2	to the pharmacy; is that right?	2	A. Yes.
3	MR. MAIER: Objection to	3	Q. And what was the Wolters
4	form.	4	Kluwer data that you were that the
5	MS. VENTURA: Objection to	5	company was receiving at that time?
6	form.	6	A. Wolters Kluwer was similar
7	THE WITNESS: So maybe I	7	to IMS, just a different company.
8	should explain the chargeback. So	8	Presumably have different methodology.
9	the chargeback data was provided,	9	Q. Why would you purchase both
10	submitted by the wholesalers to	10	Wolters Kluwer and IMS data, what was
11	Actavis. Only to the extent the	11	the what was the difference in terms
12	data was submitted that Actavis	12	of the data that you actually received,
13	would have that data.	13	what was the benefit to getting both?
14	BY MS. BAIG:	14	A. So they are competitors.
15	Q. And were you receiving IMS	15	Getting different data could would
16	data for the entire time that you were at	16	allow us to have a more accurate view of
17	Alpharma and Actavis?	17	the market because they each use their
18	A. Yes.	18	different methodology, presumably
19	Q. And were you receiving	19	different data collection to assess the
20	chargeback data for the entire time that	20	market.
21	you were at Alpharma and Actavis?	21	Q. What was the MediSpan data?
22	A. The company received	22	A. MediSpan has the list, the
23	chargeback data.	23	price list for product.
24	Q. Did you have access to that	24	Q. Can you explain that in more
	Page 43		Page 44
1	detail, which price list?	1	how they were changing as well. And then
2	A. So MediSpan would have this	2	there were different therapeutic areas to
3	called WAC list for basically for all	3	see how the different products within the
4	the products on the market.	4	therapeutic categories were performing.
5	Q. Okay. And what generally	5	That would be a fairly typical market
6	when you say that you were conducting a	6	research.
7	variety of market research, were you	7	(Document marked for
8	creating documents to show trends or what	8	identification as Exhibit
9	were you doing with the this data as	9	Allergan-McCormick-2.)
10	you looked at it?	10	BY MS. BAIG:
11	A. I don't remember exactly the	11	Q. We'll have this marked as
12	project I did with with regard to	12	Exhibit 2.
13	market research.	13	This document, which is
14	Q. But generally speaking?	14	Bates-stamped Acquired_Actavis_0064252
15	A. Generally we would look at,	15	through 4255. And this appears to be a
16	I would look at the for example, the	16	performance evaluation for you from 2009.
17	company market share and how the market	17	Do you see that?
18	share has changed over time.	18	A. Yes.
19	I would be looking at the	19	Q. And did you see this through
20	products, certain product, and see how	20	the course of your regular business at
21	the product is performing and trending.	21	Actavis?
22	And then and I would typically look at	22	A. Yes.
23	how the competitors how the	23	Q. Was this a self-performance
0.4	competitors are doing, were doing, and	24	evaluation?
24	competitors are doing, were doing, and		• · · · · · · · · · · · · · · · · · · ·

	Page 45		Page 46
1	A. So the this is a typical	1	\$430 million for that year?
2	company performance evaluation starting	2	A. Where is the 400?
3	with self-appraisal first.	3	Q. I'm looking just a little
4	Q. And it states here, if you	4	further down on the right-hand side. It
5	look at the third page of the total	5	says, "Achieved estimated \$430 million in
6	document, that there was a it says	6	sales."
7	product sales of \$520 million.	7	A. I see.
8	Do you see that?	8	Q. And I'm just wondering if
9	A. Yes.	9	that where does it show on this
10	Q. Was that a target?	10	document what your target actually was
11	A. Yes.	11	and whether you achieved it?
12	Q. And had that been your	12	A. Okay. So you rightly said
13	target for 2009?	13	the budget is \$520 million for the year.
14	A. So that's the budget.	14	And that's the company's budget for the
15	Q. Okay. Did you have a	15	generic product. What the company
16	target, a target in terms of sales for	16	achieved was the \$430 million in sales
17	2009?	17	roughly by the end it says estimate, I
18	A. So the so this is a part	18	think, because this is probably not
19	of my one of my objectives, to achieve	19	finalized yet.
20	the sales for the portfolio generic	20	Q. And it says, "\$430 million
21	products that I was responsible for. So	21	achieved and \$231 million in GP for
22	that's for generic, it's the same as	22	fiscal year 2009."
23	mine.	23	What is the 231 referring
24	Q. And so was your target	24	to?
	-		
	Page 47		Page 48
1	Page 47 A. That's the gross profit.	1	Page 48 trying to find out how you received your
1 2	A. That's the gross profit.Q. And do you see under Item 2	1 2	
	A. That's the gross profit.		trying to find out how you received your
2	A. That's the gross profit.Q. And do you see under Item 2	2	trying to find out how you received your targets.
2 3	A. That's the gross profit. Q. And do you see under Item 2 there it says, "Successfully managed the	2	trying to find out how you received your targets. A. Oh, so the target meaning
2 3 4	A. That's the gross profit. Q. And do you see under Item 2 there it says, "Successfully managed the oxycodone CR launch to surpass expectation of \$105 million"?	2 3 4	trying to find out how you received your targets. A. Oh, so the target meaning the budget.
2 3 4 5	A. That's the gross profit. Q. And do you see under Item 2 there it says, "Successfully managed the oxycodone CR launch to surpass expectation of \$105 million"?	2 3 4 5	trying to find out how you received your targets. A. Oh, so the target meaning the budget. Q. So staying within budget? A. So it's interchangeable.
2 3 4 5 6	A. That's the gross profit. Q. And do you see under Item 2 there it says, "Successfully managed the oxycodone CR launch to surpass expectation of \$105 million"? A. Yes, I saw that. Q. And so was 105 my	2 3 4 5 6	trying to find out how you received your targets. A. Oh, so the target meaning the budget. Q. So staying within budget? A. So it's interchangeable. Used in this sense, the target was the
2 3 4 5 6 7	A. That's the gross profit. Q. And do you see under Item 2 there it says, "Successfully managed the oxycodone CR launch to surpass expectation of \$105 million"? A. Yes, I saw that.	2 3 4 5 6 7	trying to find out how you received your targets. A. Oh, so the target meaning the budget. Q. So staying within budget? A. So it's interchangeable. Used in this sense, the target was the budget, and the budget was the 520.
2 3 4 5 6 7 8	A. That's the gross profit. Q. And do you see under Item 2 there it says, "Successfully managed the oxycodone CR launch to surpass expectation of \$105 million"? A. Yes, I saw that. Q. And so was 105 my question to you is did you have a target that you were trying to achieve?	2 3 4 5 6 7 8	trying to find out how you received your targets. A. Oh, so the target meaning the budget. Q. So staying within budget? A. So it's interchangeable. Used in this sense, the target was the budget, and the budget was the 520. Q. I see. So your target was
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2 3 4 5 6 7 8 9 10 11 12	A. That's the gross profit. Q. And do you see under Item 2 there it says, "Successfully managed the oxycodone CR launch to surpass expectation of \$105 million"? A. Yes, I saw that. Q. And so was 105 my question to you is did you have a target that you were trying to achieve? MS. VENTURA: Objection to form. THE WITNESS: I did not have	2 3 4 5 6 7 8 9 10 11	trying to find out how you received your targets. A. Oh, so the target meaning the budget. Q. So staying within budget? A. So it's interchangeable. Used in this sense, the target was the budget, and the budget was the 520. Q. I see. So your target was 520. And where it shows so your target was 520. Did you meet that target?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. That's the gross profit. Q. And do you see under Item 2 there it says, "Successfully managed the oxycodone CR launch to surpass expectation of \$105 million"? A. Yes, I saw that. Q. And so was 105 my question to you is did you have a target that you were trying to achieve? MS. VENTURA: Objection to form. THE WITNESS: I did not have product-specific target. BY MS. BAIG: Q. Okay. A. I have so as a performance evaluation were my own objective for the year, it's everything, all the different objectives in this document. So sales, as a portfolio, not any individual product.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	trying to find out how you received your targets. A. Oh, so the target meaning the budget. Q. So staying within budget? A. So it's interchangeable. Used in this sense, the target was the budget, and the budget was the 520. Q. I see. So your target was 520. And where it shows so your target was 520. Did you meet that target? MR. MAIER: Objection to form. THE WITNESS: So 430, of course, was less than 520. BY MS. BAIG: Q. You didn't quite meet the target. Okay. However, it states in Item 2 that you exceeded target market share and
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. That's the gross profit. Q. And do you see under Item 2 there it says, "Successfully managed the oxycodone CR launch to surpass expectation of \$105 million"? A. Yes, I saw that. Q. And so was 105 my question to you is did you have a target that you were trying to achieve? MS. VENTURA: Objection to form. THE WITNESS: I did not have product-specific target. BY MS. BAIG: Q. Okay. A. I have so as a performance evaluation were my own objective for the year, it's everything, all the different objectives in this document. So sales, as a portfolio, not any individual product. Q. So if you go back up to	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	trying to find out how you received your targets. A. Oh, so the target meaning the budget. Q. So staying within budget? A. So it's interchangeable. Used in this sense, the target was the budget, and the budget was the 520. Q. I see. So your target was 520. And where it shows so your target was 520. Did you meet that target? MR. MAIER: Objection to form. THE WITNESS: So 430, of course, was less than 520. BY MS. BAIG: Q. You didn't quite meet the target. Okay. However, it states in Item 2 that you exceeded target market share and sales upon relaunch of oxycodone,
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. That's the gross profit. Q. And do you see under Item 2 there it says, "Successfully managed the oxycodone CR launch to surpass expectation of \$105 million"? A. Yes, I saw that. Q. And so was 105 my question to you is did you have a target that you were trying to achieve? MS. VENTURA: Objection to form. THE WITNESS: I did not have product-specific target. BY MS. BAIG: Q. Okay. A. I have so as a performance evaluation were my own objective for the year, it's everything, all the different objectives in this document. So sales, as a portfolio, not any individual product. Q. So if you go back up to Objective 1, Item 4, it says, "Monitor	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	trying to find out how you received your targets. A. Oh, so the target meaning the budget. Q. So staying within budget? A. So it's interchangeable. Used in this sense, the target was the budget, and the budget was the 520. Q. I see. So your target was 520. And where it shows so your target was 520. Did you meet that target? MR. MAIER: Objection to form. THE WITNESS: So 430, of course, was less than 520. BY MS. BAIG: Q. You didn't quite meet the target. Okay. However, it states in Item 2 that you exceeded target market share and sales upon relaunch of oxycodone, fentanyl, buprenorphine XL, and new
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. That's the gross profit. Q. And do you see under Item 2 there it says, "Successfully managed the oxycodone CR launch to surpass expectation of \$105 million"? A. Yes, I saw that. Q. And so was 105 my question to you is did you have a target that you were trying to achieve? MS. VENTURA: Objection to form. THE WITNESS: I did not have product-specific target. BY MS. BAIG: Q. Okay. A. I have so as a performance evaluation were my own objective for the year, it's everything, all the different objectives in this document. So sales, as a portfolio, not any individual product. Q. So if you go back up to	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	trying to find out how you received your targets. A. Oh, so the target meaning the budget. Q. So staying within budget? A. So it's interchangeable. Used in this sense, the target was the budget, and the budget was the 520. Q. I see. So your target was 520. And where it shows so your target was 520. Did you meet that target? MR. MAIER: Objection to form. THE WITNESS: So 430, of course, was less than 520. BY MS. BAIG: Q. You didn't quite meet the target. Okay. However, it states in Item 2 that you exceeded target market share and sales upon relaunch of oxycodone,

	Page 49		Page 50
1	AG products from Galderma; is that right?	1	What agency were you working
2	A. Yes.	2	with?
3	Q. And what does that mean	3	A. I don't remember the name of
4	exactly?	4	agency. I know it's a small agency.
5	A. So for a year-end	5	Q. It was an advertising
6	performance appraisal, even though the	6	agency?
7	total number was not achieved, there	7	A. Yes.
8	was I guess these are were the	8	Q. And was it an advertising
9	performance that was highlighted. And so	9	agency to help you promote your generic
10	target were not achieved for a number of	10	products, including your generic opioids?
11	reasons. There are all different kinds	11	MS. VENTURA: Objection to
12	of reasons that could prevent achievement	12	form.
13	of companywide budget.	13	MR. MAIER: Objection to
14	Q. And looking to the next	14	form.
15	page. It states as Objective 3 that	15	THE WITNESS: It's an agency
16	Objective 3 was to, "Improve the brand	16	to help us to manage our entire
17	image and trust in Actavis-labeled	17	advertising activities which
18	products."	18	include the creation of the
19	Do you see that?	19	material as well as the
20	A. Yes.	20	contacting media, to, you know,
21	Q. And under that it states,	21	place the material in the right
22	one, "Improve/refresh brand image,	22	channel.
23	advertising campaign working with	23	BY MS. BAIG:
24	agency."	24	Q. Okay. And it did so for
	Page 51		Page 52
1	your generic products, correct?	1	A. David Meyers.
2	MS. VENTURA: Objection to	2	Q. Anyone else?
3	form.	3	A. David Meyers was the main
4	THE WITNESS: It included	4	person who managed the agency
5	generic products.	5	relationship and promotion and
6	BY MS. BAIG:	6	advertising.
7	Q. Including generic opioids?	7	Q. The company would have had a
8	A. So every so all the	8	contract with that agency, correct?
9	products were, you know, managed by this	9	MR. MAIER: Objection to
10	agency.	10	form.
11	Q. Okay. Including the generic	11	THE WITNESS: I would think
12	opioids?	12	so.
13	A. Yes.	13	BY MS. BAIG:
14	Q. Okay. And you don't recall	14	Q. And would that company have
15	the name of the agency?	15	assisted you with the creation of, for
16	A. I don't. It also changed	16	example, sizzle slides or was that
17	sometime while I was there too.	17	something that was done internally?
18	Q. Do you recall any such	18	A. Sizzle slide, I think it
19	agencies that you worked with while you	19	would be done internally.
20	were there?	20	Q. Okay.
21	A. I don't because I have	21	A. At least typically.
22	people who manage them on a day-to-day	22	Q. And what is a sizzle slide
23	basis.	23	exactly?
24	Q. And who are those people?	24	A. That's just a term that Mike
			ı

	Page 53		Page 54
1	Perfetto liked using. Normally just	1	typically presented by either the sales
2	referred to a one-page summary.	2	team or myself or Mike, depending on who
3	Q. Summary of the product that	3	were at the meeting.
4	you're trying to sell?	4	Q. And were they product
5	A. It doesn't have to be	5	specific?
6	product specific. It could be typically	6	A. The company presentation
7	whatever the update that we wanted to	7	typically was not product specific.
8	provide to customers.	8	Q. It was just about company,
9	Q. In order the purpose	9	the company?
10	being to try to grow sales, correct?	10	A. Yeah.
11	A. Of course.	11	Q. What types of things about
12	Q. It also says, next to the	12	the company were in it?
13	reference to the sizzle slide, "Company	13	A. Typically the company's
14	presentation was updated quarterly."	14	capability, overviews, maybe even
15	What company presentation is	15	financial performance of the last year,
16	being referred to here?	16	just general company information.
17	A. The actually, it's a	17	Q. And the next item in that
18	company presentation we typically	18	same box references, "Advertising in
19	presented to customers during the	19	E-newsletter has increased and received
20	customer meetings.	20	favorable feedback."
21	Q. And who would do those	21	Do you see that?
22	presentations to customers during	22	A. Yes.
23	customer meetings?	23	Q. Were you responsible for
24	A. The presentations were	24	creating advertising in E-newsletters for
	Page 55		Page 56
1	opioid products?	1	in the front line feel about
2	A. So agency created, you know,	2	they're work, what they do, the
3	any of all material all of our	3	process and procedures.
4	material.	4	So it's to help to help
5	Q. Did you review them once the	5	customers to feel, you know, that
6	agency created them?	6	we are a very responsible company,
7	A. I did.	7	how we conduct our business. It
8	Q. The next reference in that	8	is overall, I would say just to
9	block is to, "Inviting customers to tour	9	enhance the company's image and
10	our plants"?	10	credibility.
11	A. Yes.	11	BY MS. BAIG:
12	Q. Can you talk a little bit	12	Q. And who would talk with the
13	about about what that was and how that	13	customers during those tours?
14	fit into the marketing plan?	14	A. So typically is one of those
15	MR. BAILEY: Objection to	15	plant head or supply team managers,
16	form.	16	manufacturing leaders, based on their
17	THE WITNESS: For a customer	17	schedule too.
18	to see our manufacturing plant, it	18	Q. Would you be involved in
19	gave them a real-life experience,	19	those tours as well?
	-		A Locald I don't as all the
20	how the manufacturing were	20	A. I could. I don't go all the
20 21	how the manufacturing were conducted and talked to the people	21	time. I didn't go all the time.
20 21 22	how the manufacturing were conducted and talked to the people who were in the plant to	21 22	time. I didn't go all the time. Q. Would there typically be
20 21 22 23	how the manufacturing were conducted and talked to the people who were in the plant to understand that customer	21 22 23	time. I didn't go all the time. Q. Would there typically be somebody from the marketing department on
20 21 22	how the manufacturing were conducted and talked to the people who were in the plant to	21 22	time. I didn't go all the time. Q. Would there typically be

	Page 57		Page 58
1	A. Typically there were people	1	A. That would be David working
2	from sales. Could be from marketing.	2	with the agency.
3	Depends on, you know, who who were	3	Q. David Meyers?
4	available at that time.	4	A. Yes.
5	Q. The next item references	5	Q. Did you meet with customers
6	that "brand image advertising have not	6	on a regular basis?
7	rolled out yet." Do you see that?	7	A. Yes.
8	A. Yeah.	8	Q. What types of customers did
9	Q. And who was responsible for	9	you meet with?
10	creating the brand image advertising for	10	A. Our typical customers,
11	opioid products?	11	wholesalers, retail chains.
12	MS. VENTURA: Objection to	12	Q. And where and how did you
13	form.	13	meet with them, did you meet with them at
14	THE WITNESS: So I want	14	trade shows, did you set up individual
15	to the brand imaging this	15	meetings with them, what did that process
16	brand is referring to Actavis, the	16	look like?
17	company brand. It's not an opioid	17	MR. BAILEY: Objection to
18	brand.	18	form.
19	BY MS. BAIG:	19	THE WITNESS: Typically I
20	Q. I see.	20	met them at the trade shows or the
21	A. Yeah.	21	large meetings.
22	Q. And so who was responsible	22	BY MS. BAIG:
23	for creating the brand image advertising	23	Q. And did you have smaller
24	for the company?	24	meetings with them as well?
	Page 59		Page 60
1	A. I assume over the course of	1	A. I don't.
2	my working there many years there were	2	Q. Do you recall who you worked
3	those cases too.	3	with at R&J?
4	Q. Okay. And	4	A. So David Meyers worked with
5	A. Can I make one thing you	5	them directly. I just really don't
6	asked me earlier about the name of the	6	remember the, you know, people he worked
7	agency. I see one here, R&J. I guess	7	with.
8	that was one of them. Just	8	Q. A little further down in
\circ			
9	Q. Where do you see that?	9	that same box it references a photography
10	A. On the right hand,	10	project of all product images, in parens,
10 11	A. On the right hand, Objective 3, end-of-year comments.	10 11	project of all product images, in parens, tablet, pills tablets, pills, near
10 11 12	A. On the right hand,Objective 3, end-of-year comments.Q. Does R&J stand for	10 11 12	project of all product images, in parens, tablet, pills tablets, pills, near completion.
10 11 12 13	A. On the right hand, Objective 3, end-of-year comments. Q. Does R&J stand for something, or is that the name of the	10 11 12 13	project of all product images, in parens, tablet, pills tablets, pills, near completion. Do you remember that
10 11 12 13 14	A. On the right hand, Objective 3, end-of-year comments. Q. Does R&J stand for something, or is that the name of the advertising company?	10 11 12 13 14	project of all product images, in parens, tablet, pills tablets, pills, near completion. Do you remember that photography project?
10 11 12 13 14 15	A. On the right hand, Objective 3, end-of-year comments. Q. Does R&J stand for something, or is that the name of the advertising company? A. It's the name of the	10 11 12 13 14 15	project of all product images, in parens, tablet, pills tablets, pills, near completion. Do you remember that photography project? A. Yes.
10 11 12 13 14 15 16	A. On the right hand, Objective 3, end-of-year comments. Q. Does R&J stand for something, or is that the name of the advertising company? A. It's the name of the advertising agency that was dissolved of	10 11 12 13 14 15 16	project of all product images, in parens, tablet, pills tablets, pills, near completion. Do you remember that photography project? A. Yes. Q. What was that about?
10 11 12 13 14 15 16 17	A. On the right hand, Objective 3, end-of-year comments. Q. Does R&J stand for something, or is that the name of the advertising company? A. It's the name of the advertising agency that was dissolved of course. So we changed to a new one.	10 11 12 13 14 15 16 17	project of all product images, in parens, tablet, pills tablets, pills, near completion. Do you remember that photography project? A. Yes. Q. What was that about? A. We it's really just a
10 11 12 13 14 15 16 17	A. On the right hand, Objective 3, end-of-year comments. Q. Does R&J stand for something, or is that the name of the advertising company? A. It's the name of the advertising agency that was dissolved of course. So we changed to a new one. Q. When was it dissolved	10 11 12 13 14 15 16 17	project of all product images, in parens, tablet, pills tablets, pills, near completion. Do you remember that photography project? A. Yes. Q. What was that about? A. We it's really just a photograph of all the product images, the
10 11 12 13 14 15 16 17 18	A. On the right hand, Objective 3, end-of-year comments. Q. Does R&J stand for something, or is that the name of the advertising company? A. It's the name of the advertising agency that was dissolved of course. So we changed to a new one. Q. When was it dissolved roughly, do you know?	10 11 12 13 14 15 16 17 18 19	project of all product images, in parens, tablet, pills tablets, pills, near completion. Do you remember that photography project? A. Yes. Q. What was that about? A. We it's really just a photograph of all the product images, the actual pills and tablets for we were
10 11 12 13 14 15 16 17 18 19 20	A. On the right hand, Objective 3, end-of-year comments. Q. Does R&J stand for something, or is that the name of the advertising company? A. It's the name of the advertising agency that was dissolved of course. So we changed to a new one. Q. When was it dissolved roughly, do you know? A. I don't remember	10 11 12 13 14 15 16 17 18 19 20	project of all product images, in parens, tablet, pills tablets, pills, near completion. Do you remember that photography project? A. Yes. Q. What was that about? A. We it's really just a photograph of all the product images, the actual pills and tablets for we were looking to get all of that in a catalogue
10 11 12 13 14 15 16 17 18 19 20 21	A. On the right hand, Objective 3, end-of-year comments. Q. Does R&J stand for something, or is that the name of the advertising company? A. It's the name of the advertising agency that was dissolved of course. So we changed to a new one. Q. When was it dissolved roughly, do you know? A. I don't remember specifically, but probably during the	10 11 12 13 14 15 16 17 18 19 20 21	project of all product images, in parens, tablet, pills tablets, pills, near completion. Do you remember that photography project? A. Yes. Q. What was that about? A. We it's really just a photograph of all the product images, the actual pills and tablets for we were looking to get all of that in a catalogue or excuse me just do better
10 11 12 13 14 15 16 17 18 19 20 21 22	A. On the right hand, Objective 3, end-of-year comments. Q. Does R&J stand for something, or is that the name of the advertising company? A. It's the name of the advertising agency that was dissolved of course. So we changed to a new one. Q. When was it dissolved roughly, do you know? A. I don't remember specifically, but probably during the 2009.	10 11 12 13 14 15 16 17 18 19 20 21 22	project of all product images, in parens, tablet, pills tablets, pills, near completion. Do you remember that photography project? A. Yes. Q. What was that about? A. We it's really just a photograph of all the product images, the actual pills and tablets for we were looking to get all of that in a catalogue or excuse me just do better categorize them, catalogue them.
10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. On the right hand, Objective 3, end-of-year comments. Q. Does R&J stand for something, or is that the name of the advertising company? A. It's the name of the advertising agency that was dissolved of course. So we changed to a new one. Q. When was it dissolved roughly, do you know? A. I don't remember specifically, but probably during the 2009. Q. And do you recall who you	10 11 12 13 14 15 16 17 18 19 20 21 22 23	project of all product images, in parens, tablet, pills tablets, pills, near completion. Do you remember that photography project? A. Yes. Q. What was that about? A. We it's really just a photograph of all the product images, the actual pills and tablets for we were looking to get all of that in a catalogue or excuse me just do better categorize them, catalogue them. Q. Were those photographs used
10 11 12 13 14 15 16 17 18 19 20 21 22	A. On the right hand, Objective 3, end-of-year comments. Q. Does R&J stand for something, or is that the name of the advertising company? A. It's the name of the advertising agency that was dissolved of course. So we changed to a new one. Q. When was it dissolved roughly, do you know? A. I don't remember specifically, but probably during the 2009.	10 11 12 13 14 15 16 17 18 19 20 21 22	project of all product images, in parens, tablet, pills tablets, pills, near completion. Do you remember that photography project? A. Yes. Q. What was that about? A. We it's really just a photograph of all the product images, the actual pills and tablets for we were looking to get all of that in a catalogue or excuse me just do better categorize them, catalogue them.

	Page 61		Page 62
1	A. Typically not.	1	(Document marked for
2	Q. So they were used for an	2	identification as Exhibit
3	internal cataloguing system?	3	Allergan-McCormick-3.)
4	A. The intention was I think to	4	BY MS. BAIG:
5	use both internally and externally.	5	Q. Let's have this document
6	Q. How would you use it	6	marked as Exhibit 3.
7	externally?	7	This is a document Bates
8	A. So product, there were	8	stamped Acquired_Actavis_00185283 through
9	there were companies that collect product	9	85289.
10	image as identification. So they would	10	And it appears to be a
11	want the product image of all the	11	similar type of performance evaluation
12		12	but for 2010. Do you see that?
	products.	13	A. Yes.
13	How do I explain this?	14	
14	When you have when you	15	•
15	look at the medicine you get from		course of your regular business at Actavis?
16	pharmacy, that could be identification,	16	Actavis? A. Yes.
17	embossing, or printing on the pill, the	17	
18	size and the color of the pill for	18	Q. And where we looked before
19	identification so you make sure you got	19	of the at the estimated target of
20	the right medication. And so this	20	\$520 million, is that analogous to the
21	company supply, basically collect all of	21	estimated target here that appears to be
22	the images and then, you know, just	22	\$477.5 million?
23	really for pharmacy and patient use.	23	MR. MAIER: Objection to
24	Q. I see.	24	form.
	Page 63		Page 64
1	THE WITNESS: This is the	1	Q. Do you recall why it went
2	budget sales.	2	down?
3	BY MS. BAIG:	3	A. As I explained, when we
4	Q. This is analogous to the	4	did when we did the budget for the
5	same figure that we looked at earlier	5	following year, we would look at existing
6	which was at \$520 million product sales,	6	product, look at the new product, and
7	correct?	7	build up for each product what the
8	MR. MAIER: Objection to	8	reasonable performance might be and add
9	form.	9	them up, roll up to a total.
10	THE WITNESS: Yes.	10	Q. Okay. And in 2009, we had
11	BY MS. BAIG:	11	an achieved estimated \$430 million in
12	Q. Okay. And I think you said	12	sales, and in 2010 we have generic net
13	that the the budget was the same as	13	sales of \$441 million; is that right?
14	your target?	14	A. Not correct. Because
15	A. Yes.	15	this is the 441 is year-to-date
16	Q. Correct? Okay.	16	November 19th. It was not a full year
17	So is your target going down	17	sales.
18	from \$520 million to \$477.5 million; is	18	Q. I see. So the full year
19	that right?	19	sales would likely be higher than
20	A. So when we do budget we	20	\$441 million then?
21	didn't look at this way. We were just	21	A. Yes.
22	building our product and roll up to the	22	
23	budget. So, of course, 477 is less than	23	Q. And your primary objective as set forth here was to maximize revenue
24	530.		
		24	and profit of prescription products; is

	Page 65		Page 66
1	that right?	1	dollar amounts, but
2	_	2	A. I know it's over 100 when I
3	MS. GERMANO: Objection. THE WITNESS: That's the		
4		3	started. When I left last year I'm
5	one of the objectives. BY MS. BAIG:	4	talking about base, right? O. Mm-hmm.
6		5	`
7	Q. It's Objective Number 1,	6	A. When I left, I know it was
	correct?	7	over 140. But I don't remember exactly
8	A. That's correct.	8	number.
9	Q. Did you receive bonus income	9	Q. And what was your average
10	when you worked at Alpharma and Actavis?	10	bonus during those years or how did it
11	A. I did receive bonus.	11	change over the years?
12	Q. Okay. And what was the	12	A. It changed over the years
13	bonus structure of your compensation	13	because I was I had increasingly more
14	like?	14	responsible position. So it changed over
15	A. There was base. There was	15	the years. It also depended upon, of
16	annual bonus. And then depending on time	16	course, company's performance. I don't
17	frame, later on I received long-term	17	know how to come up with average.
18	incentive plan too.	18	Q. So when you started, do you
19	Q. And roughly what was your	19	recall roughly what your bonuses were in
20	base salary when you worked there?	20	the earlier years?
21	A. Which time frame?	21	MS. GERMANO: Objection.
22	Q. Well, where did it start and	22	Foundation.
23	where did it end up roughly? I know	23	BY MS. BAIG:
24	you're not going to remember specific	24	Q. And roughly what they were
	Page 67		Page 68
_			
1	when you left?	1	it was a private company. So roughly
1 2	when you left? A. I don't. I don't remember	1 2	it was a private company. So roughly it's about three-year payout. Every year
	A. I don't. I don't remember		it was a private company. So roughly it's about three-year payout. Every year I received some, and then after the first
2		2	it's about three-year payout. Every year I received some, and then after the first
2 3	A. I don't. I don't remember those specific numbers, because they change.	2	it's about three-year payout. Every year I received some, and then after the first three years there was a payout of certain
2 3 4	A. I don't. I don't remember those specific numbers, because they change.	2 3 4	it's about three-year payout. Every year I received some, and then after the first three years there was a payout of certain percentages.
2 3 4 5	A. I don't. I don't remember those specific numbers, because they change. Q. Do you remember generally?	2 3 4 5	it's about three-year payout. Every year I received some, and then after the first three years there was a payout of certain percentages. Q. And what were roughly those
2 3 4 5 6	 A. I don't. I don't remember those specific numbers, because they change. Q. Do you remember generally? A. I so when I first 	2 3 4 5 6	it's about three-year payout. Every year I received some, and then after the first three years there was a payout of certain percentages. Q. And what were roughly those percentages?
2 3 4 5 6 7	A. I don't. I don't remember those specific numbers, because they change. Q. Do you remember generally? A. I so when I first started, it was somewhere between 10 to	2 3 4 5 6 7	it's about three-year payout. Every year I received some, and then after the first three years there was a payout of certain percentages. Q. And what were roughly those
2 3 4 5 6 7 8	A. I don't. I don't remember those specific numbers, because they change. Q. Do you remember generally? A. I so when I first started, it was somewhere between 10 to 15 percent. That's the target bonus.	2 3 4 5 6 7 8	it's about three-year payout. Every year I received some, and then after the first three years there was a payout of certain percentages. Q. And what were roughly those percentages? A. So so a percentage got
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	Page 69		Page 70
1	Q. Do you remember what year	1	the long-term incentive bonus?
2	that was?	2	MS. GERMANO: Objection to
3	A. No, I don't.	3	form.
4	Q. Do you remember whether it	4	THE WITNESS: Yes. That
5	was closer to the 2008 time frame or the	5	would be the three components.
6	2013 time frame?	6	BY MS. BAIG:
7	A. It's closer to 2013, not	7	Q. That would be the three
8	2008. I think probably the program	8	components that you would have received
9	started in 2008 or '9.	9	for that year; is that right?
10	Q. So that year you would have	10	A. For that year, that's
11	received your base salary plus your	11	correct.
12	target bonus, or whatever bonus they gave	12	Q. And do you remember how many
13	to you in the 15 to 25 percent range or	13	years you received a long-term incentive
14	10 to 25 percent range, and on top of	14	bonus on top of the target bonus and the
15	that you would have received the	15	annual salary?
16	long-term incentive bonus?	16	A. Not many years because the
17	MS. GERMANO: Objection to	17	program started I don't know 2008
18	form.	18	or '9, and then there was three years
19	MR. MAIER: Objection to	19	it was three years till the first payout.
20	form.	20	And then
21	THE WITNESS: Which year are	21	Q. So your first payment
22	you referring to?	22	payout would have been either 2011 or
23	BY MS. BAIG:	23	2012?
24	Q. The year that you received	24	A. That's correct.
	Page 71		Page 72
1	O. And then did you receive	1	MS. GERMANO: Objection to
1 2	Q. And then did you receive payouts each year until you left the	1 2	MS. GERMANO: Objection to form.
	payouts each year until you left the		form.
2	payouts each year until you left the company?	2	
2	payouts each year until you left the	2	form. MR. MAIER: Objection to form.
2 3 4 5	payouts each year until you left the company? A. I left the company beginning of 2013.	2 3 4 5	form. MR. MAIER: Objection to form. BY MS. BAIG:
2 3 4 5 6	payouts each year until you left the company? A. I left the company beginning of 2013. Q. Right. So it could have	2 3 4	form. MR. MAIER: Objection to form. BY MS. BAIG: Q. Is that right?
2 3 4 5	payouts each year until you left the company? A. I left the company beginning of 2013.	2 3 4 5 6	form. MR. MAIER: Objection to form. BY MS. BAIG: Q. Is that right? A. I mean, it's everyone's job
2 3 4 5 6 7	payouts each year until you left the company? A. I left the company beginning of 2013. Q. Right. So it could have been '11, '12 '11 and '12, I suppose?	2 3 4 5 6 7	form. MR. MAIER: Objection to form. BY MS. BAIG: Q. Is that right?
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2 3 4 5 6 7 8 9	payouts each year until you left the company? A. I left the company beginning of 2013. Q. Right. So it could have been '11, '12 '11 and '12, I suppose? A. Could be. Q. Did you receive more than	2 3 4 5 6 7 8	form. MR. MAIER: Objection to form. BY MS. BAIG: Q. Is that right? A. I mean, it's everyone's job to grow the company's business. (Document marked for
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2 3 4 5 6 7 8 9 10 11	payouts each year until you left the company? A. I left the company beginning of 2013. Q. Right. So it could have been '11, '12 '11 and '12, I suppose? A. Could be. Q. Did you receive more than one long-term incentive payout? A. Yeah.	2 3 4 5 6 7 8 9 10 11 12	form. MR. MAIER: Objection to form. BY MS. BAIG: Q. Is that right? A. I mean, it's everyone's job to grow the company's business. (Document marked for identification as Exhibit Allergan-McCormick-4.)
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	payouts each year until you left the company? A. I left the company beginning of 2013. Q. Right. So it could have been '11, '12 '11 and '12, I suppose? A. Could be. Q. Did you receive more than one long-term incentive payout? A. Yeah. Q. And those long-term incentive payout swere contingent on what? What was your understanding of what you had to do in order to receive them? A. Those were contingent upon the total company performance, both the sales and EBITDA. Q. And so it was your understanding that you would have to grow sales for your portfolio in order to	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	form. MR. MAIER: Objection to form. BY MS. BAIG: Q. Is that right? A. I mean, it's everyone's job to grow the company's business. (Document marked for identification as Exhibit Allergan-McCormick-4.) BY MS. BAIG: Q. We'll have this document marked as Exhibit 4, please. This document is Bates-stamped ACTAVIS_481204 through 481210. And again, it appears to be a performance evaluation, correct? A. Yes. Q. And you received this or saw this in the regular course of your business at Actavis, correct?

	Page 73		Page 74
1	evaluation for the year 2011; is that	1	A. So it had November sales.
2	right?	2	Q. I see. And the weight
3	A. Appears so.	3	assigned to this particular goal is
4	Q. And here we see that the	4	30 percent; is that right?
5	target is increasing from what was	5	A. That's correct.
6	\$477.5 million in 2010 to \$535 million in	6	Q. Do you see at the bottom of
7	2011; is that right?	7	the end of your comments it says, "Kept
8	MR. MAIER: Objection to	8	marketing expense below the budget
9	form.	9	despite multi-channel marketing effort in
10	THE WITNESS: That's the	10	oxymorphone ER"?
11	budget, yes.	11	A. Yes, I saw that.
12	BY MS. BAIG:	12	Q. And what is that referring
13		13	to, the multi-channel marketing effort in
14	Q. And under completion criteria, it says, "Achieve 2011 budget,	14	
15		15	oxymorphone ER? Can you discuss that?
	generic product sales of \$535 million,"		A. So oxymorphone ER was
16	correct?	16	generic Opana ER. It was first to
17	A. It was on track to achieve	17	market, first generic product to enter
18	the budget.	18	the market to launch. And so typically
19	Q. Okay. So does that does	19	we do not do a lot of marketing for
20	this state that it did achieve or or	20	generic products because of business
21	just that it's on track?	21	model. And this one, we had to do more
22	A. It said it was on track,	22	than so-called typical, just to make
23	because this was in November.	23	physicians and the pharmacists aware of
24	Q. I see.	24	the introduction of a generic alternative
	Page 75		Page 76
1	to the brand. So it's awareness	1	form.
2	marketing.	2	THE WITNESS: So when I say
3	Q. How many people were in your	3	marketing department, it includes
4	marketing department?	4	our primary responsibility was
5	A. So my group had, I'm trying	5	product management, plus the
6	to think. David Meyers, something	6	company brand image promotion.
7	probably four.	7	BY MS. BAIG:
8	Q. David Meyers, yourself and	8	Q. Your title was director of
9	who else?	9	marketing, correct?
10	A. Rachelle Galant and Violet	10	A. Yeah, mm-hmm.
11	and Karen Stoddart.	11	Q. Okay. What were the
12	Q. What was Violet's position?	12	multi-channel marketing efforts that were
13	A. She was analyst. Either	13	undertaken in connection with oxymorphone
14	sales or either sales or marketing	14	ER that are referenced here?
15	analyst.	15	A. So multi-channel means it's
16		16	print, digital. So typically it just
17		17	refers to those.
	lot of marketing for generic products, I	18	
18	think is what you testified. But you had	19	Q. Anything else?A. No. We don't do TV.
19	an entire marketing department dedicated		
20	to marketing of generic products,	20	Q. Does the multi do the
21	correct?	21	multi-channel marketing efforts here
22	MS. GERMANO: Objection to	22	include the advertising agencies that you
23	form.	23	were working with?
	MR. MAIER: Objection to	24	A. Yeah. The agency created
24	TVII d TVII II ET d G G G G G G G G G G G G G G G G G G		The agency crowd

	Page 77		Page 78
1	all the materials we need for these	1	very sophisticated suspicious
2	activities.	2	order monitoring system.
3	Q. Do you see a little further	3	So I participated from the
4	down under end-of-year comments, it	4	very start until the actually
5	states, "In addition to midyear comments,	5	execution of the system.
6	my group is instrumental in the	6	BY MS. BAIG:
7	implementation of Oxycodone SOP and	7	Q. And when was the the very
8	ensuring what we do protects the interest	8	start?
9	of the patients and the company."	9	A. I mean the start of the
10	Do you see that?	10	project itself. We had a team to work,
11	A. Yes.	11	specifically work on enhancing the
12	Q. And it goes on to state,	12	system.
13	"Also contributed significantly to the	13	I don't remember a specific
14	development and refinement of our SOM	14	date. Is that what you're asking?
15	system"?	15	Q. Is it what were the
16	A. I saw that.	16	enhancements that you recall working on?
17	Q. What was your involvement	17	A. Actually there were very
18	in developing the SOM system?	18	good enhancement for the for the
19	MS. VENTURA: Objection to	19	system. I remember the the system
20	form.	20	became more automated. It was a more
21	THE WITNESS: I was working	21	defined process. It was a greater
22	with Nancy Baran who was the head	22	clarity, you know, what needs to be done
23	of customer service, and legal and	23	and how we do it as a company. So lots
24	IT, to enhance and and refine a	24	of enhancement to really perfect the
	Page 79		Page 80
1	system and make it an industry	1	form.
2	cutting-edge SOM system.	2	MS. BAIG: This is a
3	Q. And when you say it was more	2 3	MS. BAIG: This is a question. Don't coach the witness
3 4	Q. And when you say it was more automated, who was responsible for	2 3 4	MS. BAIG: This is a question. Don't coach the witness please. It's just a question.
3 4 5	Q. And when you say it was more automated, who was responsible for implementing the automation of the SOM	2 3 4 5	MS. BAIG: This is a question. Don't coach the witness please. It's just a question. MS. VENTURA: I'm allowed to
3 4 5 6	Q. And when you say it was more automated, who was responsible for implementing the automation of the SOM system?	2 3 4 5 6	MS. BAIG: This is a question. Don't coach the witness please. It's just a question. MS. VENTURA: I'm allowed to put my objection in
3 4 5 6 7	Q. And when you say it was more automated, who was responsible for implementing the automation of the SOM system? A. So we have IT, we have	2 3 4 5 6 7	MS. BAIG: This is a question. Don't coach the witness please. It's just a question. MS. VENTURA: I'm allowed to put my objection in MS. BAIG: Yeah, but you're
3 4 5 6 7 8	Q. And when you say it was more automated, who was responsible for implementing the automation of the SOM system? A. So we have IT, we have consultant, who provided guidance or	2 3 4 5 6 7 8	MS. BAIG: This is a question. Don't coach the witness please. It's just a question. MS. VENTURA: I'm allowed to put my objection in MS. BAIG: Yeah, but you're not allowed to coach the witness.
3 4 5 6 7 8 9	Q. And when you say it was more automated, who was responsible for implementing the automation of the SOM system? A. So we have IT, we have consultant, who provided guidance or input. We also worked the with	2 3 4 5 6 7 8	MS. BAIG: This is a question. Don't coach the witness please. It's just a question. MS. VENTURA: I'm allowed to put my objection in MS. BAIG: Yeah, but you're not allowed to coach the witness. It doesn't mischaracterize any
3 4 5 6 7 8 9	Q. And when you say it was more automated, who was responsible for implementing the automation of the SOM system? A. So we have IT, we have consultant, who provided guidance or input. We also worked the with internal IT folks to enhance our own	2 3 4 5 6 7 8 9	MS. BAIG: This is a question. Don't coach the witness please. It's just a question. MS. VENTURA: I'm allowed to put my objection in MS. BAIG: Yeah, but you're not allowed to coach the witness. It doesn't mischaracterize any testimony. It doesn't purport to
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3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. And when you say it was more automated, who was responsible for implementing the automation of the SOM system? A. So we have IT, we have consultant, who provided guidance or input. We also worked the with internal IT folks to enhance our own system. Additionally, we brought in outsider outside like ValueTrak to enhance our our own system. Q. And when you say it was automated, does that mean that it would be an automatic system that would flag orders of interest if they were above the 50 percent threshold for the six-month average, is that what you're talking about?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	MS. BAIG: This is a question. Don't coach the witness please. It's just a question. MS. VENTURA: I'm allowed to put my objection in MS. BAIG: Yeah, but you're not allowed to coach the witness. It doesn't mischaracterize any testimony. It doesn't purport to state prior testimony. It's simply a question. BY MS. BAIG: Q. You can answer. A. So the it's not that simple of a threshold to understand the the automation is just the first step, was the building algorithm to flag the order of the interest. So it's not a 25 or 50, not any just threshold. But patterns, or
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. And when you say it was more automated, who was responsible for implementing the automation of the SOM system? A. So we have IT, we have consultant, who provided guidance or input. We also worked the with internal IT folks to enhance our own system. Additionally, we brought in outsider outside like ValueTrak to enhance our our own system. Q. And when you say it was automated, does that mean that it would be an automatic system that would flag orders of interest if they were above the 50 percent threshold for the six-month average, is that what you're talking about? MS. VENTURA: Objection,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MS. BAIG: This is a question. Don't coach the witness please. It's just a question. MS. VENTURA: I'm allowed to put my objection in MS. BAIG: Yeah, but you're not allowed to coach the witness. It doesn't mischaracterize any testimony. It doesn't purport to state prior testimony. It's simply a question. BY MS. BAIG: Q. You can answer. A. So the it's not that simple of a threshold to understand the the automation is just the first step, was the building algorithm to flag the order of the interest. So it's not a 25 or 50, not any just threshold. But patterns, or frequencies. There's actually a very
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. And when you say it was more automated, who was responsible for implementing the automation of the SOM system? A. So we have IT, we have consultant, who provided guidance or input. We also worked the with internal IT folks to enhance our own system. Additionally, we brought in outsider outside like ValueTrak to enhance our our own system. Q. And when you say it was automated, does that mean that it would be an automatic system that would flag orders of interest if they were above the 50 percent threshold for the six-month average, is that what you're talking about? MS. VENTURA: Objection, mischaracterizes the testimony.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	MS. BAIG: This is a question. Don't coach the witness please. It's just a question. MS. VENTURA: I'm allowed to put my objection in MS. BAIG: Yeah, but you're not allowed to coach the witness. It doesn't mischaracterize any testimony. It doesn't purport to state prior testimony. It's simply a question. BY MS. BAIG: Q. You can answer. A. So the it's not that simple of a threshold to understand the the automation is just the first step, was the building algorithm to flag the order of the interest. So it's not a 25 or 50, not any just threshold. But patterns, or frequencies. There's actually a very sophisticated algorithm to build in to
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. And when you say it was more automated, who was responsible for implementing the automation of the SOM system? A. So we have IT, we have consultant, who provided guidance or input. We also worked the with internal IT folks to enhance our own system. Additionally, we brought in outsider outside like ValueTrak to enhance our our own system. Q. And when you say it was automated, does that mean that it would be an automatic system that would flag orders of interest if they were above the 50 percent threshold for the six-month average, is that what you're talking about? MS. VENTURA: Objection,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MS. BAIG: This is a question. Don't coach the witness please. It's just a question. MS. VENTURA: I'm allowed to put my objection in MS. BAIG: Yeah, but you're not allowed to coach the witness. It doesn't mischaracterize any testimony. It doesn't purport to state prior testimony. It's simply a question. BY MS. BAIG: Q. You can answer. A. So the it's not that simple of a threshold to understand the the automation is just the first step, was the building algorithm to flag the order of the interest. So it's not a 25 or 50, not any just threshold. But patterns, or frequencies. There's actually a very

	Page 81		Page 82
1	Q. What was the sophisticated	1	A. I am not expert in IT. I
2	algorithm?	2	know in principle, those are the
3	A. I mean I don't know the	3	considerations to build the algorithm.
4	it was available. I don't remember	4	Q. Do you know what the
5	personally.	5	corporate awareness ad, quote-unquote,
6	Q. Who would know that? If you	6	tree is? Halfway down the page on, what
7	wanted to know, who would you ask what	7	are we at, 207?
8	the sophisticated algorithm was?	8	A. Oh, tree is an image of a
9	A. It it was written as	9	tree.
10	so IT folks would know them, because it	10	Q. And bird?
11	needs to be built into the system.	11	A. Because there were different
12	Q. Okay.	12	images, this was just referring to one of
13	A. Yeah.	13	those image.
14	Q. Do you know what IT folks	14	Q. And these were images in the
15	would know that; if you wanted to ask	15	advertisements for fentanyl; is that
16	somebody, who would you ask now?	16	right?
17	A. The IT head at that time was	17	A. That's not correct.
18	Bill Ostrowski, and then there were	18	Q. For oh. "This year we
19	people in his group who worked on the	19	created new ads for oxymorphone,
20	specific implementation of the of the	20	methylphenidate, amphetamine combo,
21	system.	21	buprenorphine naloxone, and clobetasol
22	Q. But you can't tell me about	22	lotion and shampoo"; is that right?
23	the sophisticated algorithm in any	23	A. Which one are you looking
24	detail; is that right?	24	at?
	Page 83		Page 84
1	Q. I'm looking at	1	Do you see that?
2	MS. GERMANO: Objective	2	A. Oh, I see.
3	DILLIG DATE		· ·
_	BY MS. BAIG:	3	Q. Okay.
4	Q end-of-year comments	4	A. Yeah.
4 5	Q end-of-year comments here, and it's discussing on the	4 5	A. Yeah.Q. Okay. And then it goes on
4 5 6	Q end-of-year comments here, and it's discussing on the left-hand side, it says, "Developed	4	A. Yeah. Q. Okay. And then it goes on to state, "The corporate awareness ad
4 5 6 7	Q end-of-year comments here, and it's discussing on the left-hand side, it says, "Developed product specific ads for oxymorphone,	4 5	A. Yeah. Q. Okay. And then it goes on to state, "The corporate awareness ad 'tree' has been in use and bird has
4 5 6	Q end-of-year comments here, and it's discussing on the left-hand side, it says, "Developed	4 5 6	A. Yeah. Q. Okay. And then it goes on to state, "The corporate awareness ad 'tree' has been in use and bird has received a change in messaging."
4 5 6 7 8 9	Q end-of-year comments here, and it's discussing on the left-hand side, it says, "Developed product specific ads for oxymorphone, methylphenidate," do you see that? A. Oh, I see.	4 5 6 7	A. Yeah. Q. Okay. And then it goes on to state, "The corporate awareness ad 'tree' has been in use and bird has received a change in messaging." Do you see that?
4 5 6 7 8 9	Q end-of-year comments here, and it's discussing on the left-hand side, it says, "Developed product specific ads for oxymorphone, methylphenidate," do you see that? A. Oh, I see. Q. And then it says	4 5 6 7 8 9	A. Yeah. Q. Okay. And then it goes on to state, "The corporate awareness ad 'tree' has been in use and bird has received a change in messaging." Do you see that? A. I saw that.
4 5 6 7 8 9 10	Q end-of-year comments here, and it's discussing on the left-hand side, it says, "Developed product specific ads for oxymorphone, methylphenidate," do you see that? A. Oh, I see. Q. And then it says A. On the second page	4 5 6 7 8 9 10 11	A. Yeah. Q. Okay. And then it goes on to state, "The corporate awareness ad 'tree' has been in use and bird has received a change in messaging." Do you see that? A. I saw that. Q. Okay. So the fentanyl ad
4 5 6 7 8 9 10 11	Q end-of-year comments here, and it's discussing on the left-hand side, it says, "Developed product specific ads for oxymorphone, methylphenidate," do you see that? A. Oh, I see. Q. And then it says A. On the second page Q "Corporate ad tree is	4 5 6 7 8 9 10 11 12	A. Yeah. Q. Okay. And then it goes on to state, "The corporate awareness ad 'tree' has been in use and bird has received a change in messaging." Do you see that? A. I saw that. Q. Okay. So the fentanyl ad received a remodel. What was the remodel
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4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q end-of-year comments here, and it's discussing on the left-hand side, it says, "Developed product specific ads for oxymorphone, methylphenidate," do you see that? A. Oh, I see. Q. And then it says A. On the second page Q "Corporate ad tree is done. Another one is in development." A. Okay. Q. Do you see that? A. Yes, I saw that. Q. Okay. And then on the	4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. Yeah. Q. Okay. And then it goes on to state, "The corporate awareness ad 'tree' has been in use and bird has received a change in messaging." Do you see that? A. I saw that. Q. Okay. So the fentanyl ad received a remodel. What was the remodel of the fentanyl ad? MR. MAIER: Objection to form. THE WITNESS: I don't remember specifically.
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4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q end-of-year comments here, and it's discussing on the left-hand side, it says, "Developed product specific ads for oxymorphone, methylphenidate," do you see that? A. Oh, I see. Q. And then it says A. On the second page Q "Corporate ad tree is done. Another one is in development." A. Okay. Q. Do you see that? A. Yes, I saw that. Q. Okay. And then on the right-hand side it says, "This year we created new ads for oxymorphone," and it goes on, correct? A. Yes. I saw that. Q. And then it says,	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yeah. Q. Okay. And then it goes on to state, "The corporate awareness ad 'tree' has been in use and bird has received a change in messaging." Do you see that? A. I saw that. Q. Okay. So the fentanyl ad received a remodel. What was the remodel of the fentanyl ad? MR. MAIER: Objection to form. THE WITNESS: I don't remember specifically. BY MS. BAIG: Q. Do you remember generally? A. I remember what the fentanyl ad looked like. I don't remember what the remodel was.

	Page 85		Page 86
1	A. I think it was a pair of	1	Do you see that?
2	binoculars.	2	A. Yes.
3	Q. What was that intended to	3	Q. How did you revamp the
4	symbolize?	4	corporate presentation for NACDS?
5	A. I don't remember now why	5	A. I don't remember the
6	that was you know, what the what	6	specifics.
7	the discussion, why that was the case.	7	Q. Do you remember generally?
8	Q. And the corporate awareness	8	A. No.
9	ad for tree and bird, do you remember	9	Q. Okay. What is NACDS?
10	what the intent behind those messages	10	A. It's National Association of
11	were?	11	Chain Drugstores. It is a big meeting
12	A. I think the trees were just	12	where basically we participate every
13	the healthy growing tree.	13	year.
14	Q. And for bird?	14	Q. And then it goes on state,
15	A. I actually don't remember	15	"Presentation and sizzle slide is updated
16	what the bird looked like. And those	16	regularly."
17	were for company the the brand,	17	Do you see that?
18	when we referring to the brand is the	18	A. Yes.
19	company brand.	19	Q. And this is the company
20	Q. And just below that it	20	presentation and the product sizzle
21	states, "Revamped corporate presentation	21	slides that we discussed earlier?
22	for NACDS. With more customer focus and	22	A. So sizzle slides is not
23	it was well received by both internal and	23	necessarily product specific.
24	external audiences."	24	Q. Oh, it can be product or
	external audiences.	2.1	Q. On, it can be product of
	Page 87		Page 88
1	company; is that right?	1	A. It would be used at NACDS
2	A. It's normally just one page,	2	meetings with customers.
3	a short version of company update.	3	Q. Used how? Presented or
4	Presentation could be	4	handed out?
5	multiple pages.	5	A. So just presented.
6	Q. A company update created by	6	Q. In a PowerPoint or
7	the marketing department, correct?	7	something?
8	A. Yes.	8	A. Yeah.
9	Q. Which can include product	9	Q. I see. And would you give
10	information, correct?	10	those presentations to NACDS?
11	A. Depend on what you mean by	11	A. No.
12	product information. When they say we	12	Q. Who would do that?
13	launched Product A, B.	13	A. Okay. So NACDS does not
14	Q. And would those sizzle	14	have these big so the presentations
15	slides be handed out at the NACDS	15	are not for specific let me take it
16	meeting?	16	back.
17	A. We did not hand out	17	The presentations we have
18	anything.	18	are one-on-one meetings with customers.
19	Q. These	19	It's not on the stage big presentation to
20	A. These were just	20	everyone.
21	presentation.	21	Q. I see. So you're just
22	Q. You didn't oh, I see.	22	presenting it individually to the
23	They would be presented at the NACDS	23	customers?
24	meeting?	24	A. Yeah.
	8		11. 10

1 Q. At the meeting? 2 A. Yeah. 3 Q. I sec. And the next item 4 is, "The improved U.S. website, 5 Actavis.us, was launched in the spring 6 and has been given continuous updates to 7 add new/remove products." 7 B Do you see that? 9 A. Yes. 10 Q. Was the marketing department 11 involved in preparing the — in improving 12 the website? 13 A. Yes. 14 Q. And what was your 15 involvement in that? 16 A. I provided some guidance and 17 comments. 18 Q. Do you remember anything 19 more specifically than that? 20 A. Not really. 21 MS. VENTURA: Before we move 22 to the next document, do you folks 23 mind if we take a restroom break? 24 MS. BAIG: Sure. That's 25 Q. And unith — under the 6 end-of-year comments it says, "2012 has been a fantastic year in achieving our financial objectives. November of that 10 year, you had already met and exceeded 11 over the full year budget of 610." 12 Do you see that? 13 A. Yes. 14 Q. So by only November of that 15 year, you had already met and exceeded 16 generic product sales? 17 IHE VIDEOGRAPHER: Going of the record. The time is 10:54. (Short break.) 17 THE VIDEOGRAPHER: We are going back on record. Beginning of Media File 5. The time is 11:12. (Short break.) 17 THE VIDEOGRAPHER: We are going back on record. Beginning of Media File 5. The time is 10:54. (Short break.) 11:12. (Chocument marked for identification as Exhibit Allergan-McCormick-5.) 21 BY MS. BAIG: 22 BY MS. BAIG: 23 Q. Okay. Let's have this document marked as Exhibit 5. It is a document Bates-stamped Acquired_Actavis_0166139 through 1046. Appears to be another performance evaluation from 2012. Do you see that? A. Yes. 24 A. Yes. 25 A. Yes. 26 Q. And you saw this in the regular course of your business at Actavis, right? A. Yes. 4 A. Yes. 4 A. Correct. Q. Do you see on the next page it states, under completion criteria, "fistablish appropriate product specific advertising programs aligned with regulatory affairs and product approvals." A. Jes. A. Jes. A. Jes. A. Yes. A. Jes. A. Yes. A. Yes. A. Jes The WIDEOGRAPHER: We are goi		Page 89		Page 90
2 A. Yeah. 3 Q. I see. And the next item 4 is, "The improved U.S. website, 5 Actavis.us, was launched in the spring 6 and has been given continuous updates to 7 add new/remove products." 8 Do you see that? 9 A. Yes. 10 Q. Was the marketing department 11 involved in preparing the – in improving 12 the website? 13 A. Yes. 14 Q. And what was your 15 involvement in that? 15 involvement in that? 16 A. I provided some guidance and 17 comments. 18 Q. Do you remember anything 19 more specifically than that? 20 A. Not really. 21 MS. VENTURA: Before we move 22 to the next document, do you folks 23 mind if we take a restroom break? 24 MS. BAIG: Sure. That's 26 Q. And in the – under the 27 end-of-year comments it says, "2012 has been a fantastic year in achieving our financial objectives. November 6th 29 year-to-date generic net sales was 10 \$705 million which is already 16 percent over the full year budget of 610." 27 THE VIDEOGRAPHER: Going o the record. The time is 10:54. (Short break.) 4 (Decument marked for identification as Exhibit in the reduction as Exhibit in adocument marked as Exhibit 5. It is a document marked as Exhibit 5. It is a document fastes-stamped document fastes-stamped a fastes and the regular course of your business at Actavis, right? A. Yes. Page 91 A. Correct. Q. Do you see on the next page it a	1	O. At the meeting?	1	fine.
3 Q. I see. And the next item 4 is, "The improved U.S. website, 5 Actavis.us, was launched in the spring 6 and has been given continuous updates to 7 add new/remove products." 8 Do you see that? 9 A. Yes. 10 Q. Was the marketing department 11 involved in preparing the in improving 12 the website? 13 A. Yes. 14 Q. And what was your 15 involvement in that? 16 A. I provided some guidance and 17 comments. 18 Q. Do you remember anything 19 more specifically than that? 20 A. Not really. 21 MS. VENTURA: Before we move 22 to the next document, do you folks 23 mind if we take a restroom break? 24 MS. BAIG: Sure. That's 24 A. Yes. 25 Q. And in the under the 6 end-of-year comments it says, "2012 has been a fantastic year in achieving our financial objectives. November 6th 9 year-to-date generic net sales was 10 \$705 million which is already 16 percent 11 veer the full year budget of 610." 26 G. But your objective was to		_		
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5 Actavis.us, was launched in the spring 6 and has been given continuous updates to 7 add new/remove products." 8 Do you see that? 9 A. Yes. 10 Q. Was the marketing department 11 involved in preparing the in improving 11 involved in preparing the in improving 12 the website? 13 A. Yes. 14 Q. And what was your 15 involvement in that? 16 A. I provided some guidance and 17 comments. 18 Q. Do you remember anything 19 more specifically than that? 20 A. Not really. 21 MS. VENTURA: Before we move 22 to the next document, do you folks 23 mind if we take a restroom break? 23 mind if we take a restroom break? 24 MS. BAIG: Sure. That's 25 Q. And here it appears that the 26 budget/target has increased to 3 \$610 million per year. Do you see that? 4 A. Yes. 5 Q. And in the under the 6 end-of-year comments it says, "2012 has been a fantastic year in achieving our financial objectives. November 6th 9 year-to-date generic net sales was 10 \$705 million which is al already 16 percent 11 over the full year budget of 610." 12 Do you see that? 13 A. Yes. 4 Q. So by only November of that 15 year, you had already met and exceeded 15 THE VIDEOGRAPHER: We are going back on record. Beginning of Media File 5. The time is 11:12. (Document marked for identification as Exhibit Allergan-McCormick-5.) 11 Allergan-McCormick-5.) 11 Allergan-McCormick-5.) 12 BY MS. BAIG: 4 A. Yes. 4 A. Yes. 4 A. Yes. 15 HYMS. BAIG: 4 A. Comet. 4 A. Q. And what was your 14 A. Correct. 4 A. Yes. 4 A. Correct. 4 Q. Do you see on the next page it states, under completion criteria, 4 Testablish appropriate product specific advertising programs aligned with 4 regulatory affairs and product approvals." 5 Do you see that? 6 Do you see that? 7 Do you see that? 8 Do you see that? 9 A. Yes. 9 Do you recall what product specific advertising programs you helpe establish that year? 9 A. I Torouted. 9 Do you recall what product specific advertising programs you helpe establish that year? 9 A. I don't remember specific products. 9 Do you robjective was to				
6 and has been given continuous updates to 7 add new/remove products." 8 Do you see that? 9 A. Yes. 9 (Document marked for identification as Exhibit 11 involved in preparing the in improving 12 the website? 13 A. Yes. 14 Q. And what was your 15 involvement in that? 16 A. I provided some guidance and 17 comments. 18 Q. Do you remember anything 19 more specifically than that? 20 A. Not really. 21 MS. VENTURA: Before we move 22 to the next document, do you folks 23 mind if we take a restroom break? 24 MS. BAIG: Sure. That's 24 MS. BAIG: Sure. That's 25 Q. And here it appears that the 26 budget/target has increased to 3 \$610 million per year. Do you see that? 4 A. Yes. 5 Q. And in the under the 6 end-of-year comments it says, "2012 has been a fantastic year in achieving our financial objectives. November 6th 9 year-to-date generic net sales was 10 \$705 million which is already 16 percent over the full year budget of 610." 21 Do you see that? 3 A. Yes. 4 Q. So by only November of that 4 Q. So by only November of that 5 year, you had already met and exceeded 5 (But your objective was to				
7 add new/remove products." 8 Do you see that? 9 A. Yes. 10 Q. Was the marketing department 11 involved in preparing the — in improving 12 the website? 13 A. Yes. 14 Q. And what was your 15 involvement in that? 16 A. I provided some guidance and 17 comments. 18 Q. Do you remember anything 19 more specifically than that? 20 A. Not really. 21 MS. VENTURA: Before we move 22 to the next document, do you folks 23 mind if we take a restroom break? 24 MS. BAIG: Sure. That's 25 Q. And here it appears that the 26 budget/target has increased to 27 Sol on illion per year. Do you see that? 4 A. Yes. 4 A. Yes. 5 Q. And in the — under the 6 end-of-year comments it says, "2012 has 7 been a fantastic year in achieving our 8 financial objectives. November 6th 9 year-to-date generic net sales was 10 S705 million which is already 16 percent 10 Q. Was the marketing department 10 identification as Exhibit 11 Allergan-McCormick-5.) 12 BY MS. BAIG: 12 BY MS. BAIG: 12 A. Apears to be another performance evaluation from 2012. 15 Do you see that? 16 Acquired_Actavis_0166139 through 1046. 16 Acquired_Actavis_0166139 through 1046. 17 Appears to be another performance evaluation from 2012. 19 Do you see that? 20 A. Yes. 21 Q. And you saw this in the 12 regular course of your business at 23 Actavis, right? 24 A. Yes. 26 A. Yes. 27 A. Correct. 28 Q. Do you see on the next page 18 it states, under completion criteria, 19 Testablish appropriate product specific advertising programs aligned with 10 regulatory affairs and product 11 approvals." 15 Do you see that? 16 A. Correct. 17 A. Correct. 18 Q. Do you see that? 19 Do you see that? 20 Do you see that? 21 A. Yes. 22 Q. Do you see on the next page 23 it states, under completion criteria, 24 A. Yes. 25 Q. Do you see that? 26 Do you see that? 27 Do you see that? 28 Do you see that? 29 Do you see that? 20 Do you see that? 21 Do you see that? 22 Do you see that? 23 Do you see that? 24 Do you see that? 25 Do you see that? 26 Do you see that? 27 Do you see that? 28 Do you see that? 29 Do you see t				
8 Do you see that? 9 A. Yes. 10 Q. Was the marketing department 11 involved in preparing the — in improving 11 the website? 12 the website? 13 A. Yes. 14 Q. And what was your 15 involvement in that? 16 A. I provided some guidance and 17 comments. 18 Q. Do you remember anything 19 more specifically than that? 20 A. Not really. 21 MS. VENTURA: Before we move 22 to the next document, do you folks 23 mind if we take a restroom break? 24 MS. BAIG: Sure. That's 25 Q. And here it appears that the 2 budget/target has increased to 3 \$610 million per year. Do you see that? 4 A. Yes. 29 Page 91 20 Q. And here it appears that the 20 Lo And here it appears that the 21 Do you see on the next page is tates, under completion criteria, 24 MS. BAIG: Sure. That's 25 Q. And in the — under the 26 end-of-year comments it says, "2012 has been a fantastic year in achieving our financial objectives. November 6th 21 year-to-date generic net sales was 22 Do you see that? 23 A. Yes. 24 Q. Do you see that? 25 Do you see that? 26 Do you see that? 27 Do you see that? 28 A. Yes. 29 A. Yes. 29 A. Yes. 29 Do you see on the next page is tates, under completion criteria, "Establish appropriate product specific advertising programs aligned with regulatory affairs and product approvals." 29 Do you see that? 30 Do you see that? 40 Do you see that? 41 Do you see that? 42 Do you see that? 43 Do you see that? 44 Do you see that? 45 Do you see that? 46 Do you see that? 47 Do you see that? 48 Do you see that? 49 Year-to-date generic net sales was 40 S705 million which is already 16 percent over the full year budget of 610." 40 Do you see that? 41 Do you see that? 42 Do you see that? 43 Do you see that? 44 Do you see that? 45 Do you see that? 46 Do you see that? 47 Do you see that? 48 Do you see that? 49 Do you see that? 40 Do you see that? 40 Do you see that? 41 Do you see that? 41 Do you see that? 42 Do you see that? 43 Do you see that? 44 Do you see that? 45 Do you see that? 46 Do you see that? 47 Do you see that? 48 Do you see that? 49 Do you see that		2		
9 A. Yes. 10 Q. Was the marketing department 11 involved in preparing the — in improving 12 the website? 13 A. Yes. 14 Q. And what was your 15 involvement in that? 16 A. I provided some guidance and 17 comments. 18 Q. Do you remember anything 19 more specifically than that? 19 MS. WENTURA: Before we move 22 to the next document, do you folks 23 mind if we take a restroom break? 24 MS. BAIG: Sure. That's 26 Q. And here it appears that the 2 budget/target has increased to 3 \$610 million per year. Do you see that? 4 A. Yes. Page 91 Q. And in the — under the end-of-year comments it says, "2012 has been a fantastic year in achieving our financial objectives. November 6th year-to-date generic net sales was 10 \$705 million which is already 16 percent 11 Q. So by only November of that 12 Q. So by only November of that 15 year, you had already met and exceeded 9 (Document marked for identification as Exhibit 1 Allergan-McCormick-5.) 18 Allergan-McCormick-5.) 19 Allergan-McCormick-5.) 11 Allergan-McCormick-5.) 12 BY MS. BAIG: 12 BY MS. BAIG: 12 Allergan-McCormick-5.) 14 Allergan-McCormick-5.) 15 BY MS. BAIG: 12 Allergan-McCormick-5.) 14 Allergan-McCormick-5.) 15 BY MS. BAIG: 14 Allergan-McCormick-5.) 15 BY MS. BAIG: 14 Allergan-McCormick-5.) 15 BY MS. BAIG: 15 Allergan-McCormick-5.) 16 Allergan-McCormick-5.) 16 Allergan-McCormick-5.) 18 BY MS. BAIG: 14 A. Yes. 15 A. Yes. 16 A. Ilon't remember specific products. 16 A. Allergan-McCormick-5.) 18 Allergan-McCormick-5. 18 Allergan-McCormick-5.) 18 Allergan-McCormick-5.) 18 Allergan-McCormick-5. 18 Allergan-McCormick-5. 19 Allergan-McCormick-6. 20 Okay. Let's have this document marked as Exhibit 5. It is a document marked as Exhibit 5. It is a document marked as Exhibits 1046 councer for products. 1 A. Correct. 2 Q. Do you see that? 3 A. Yes. 1 A. Correct. 2 Q. Do you see the next page it state		*		
10 Q. Was the marketing department 11 involved in preparing the in improving 12 the website? 13 A. Yes. 14 Q. And what was your 15 involvement in that? 16 A. I provided some guidance and 17 comments. 18 Q. Do you remember anything 19 more specifically than that? 20 A. Not really. 21 MS. VENTURA: Before we move 22 to the next document, do you folks 23 mind if we take a restroom break? 24 MS. BAIG: Sure. That's 25 Q. And here it appears that the 26 budget/target has increased to 27 A. Yes. 28 Page 91 29 Q. And in the under the 29 de end-of-year comments it says, "2012 has 30 been a fantastic year in achieving our 40 financial objectives. November 6th 41 gear, you had already met and exceeded 42 Q. So by only November of that 43 Q. So by only November of that 44 Q. So by only November of that 45 Q. So by only November of that 46 Q. But your objectives was to		•		
11 involved in preparing the in improving 12 the website? 13 A. Yes. 14 Q. And what was your 15 involvement in that? 16 A. I provided some guidance and 17 comments. 18 Q. Do you remember anything 19 more specifically than that? 20 A. Not really. 21 MS. VENTURA: Before we move 22 to the next document, do you folks 23 mind if we take a restroom break? 24 MS. BAIG: Sure. That's 25 A. Yes. 26 Page 91 27 A. Yes. 28 A. Yes. 29 And here it appears that the 29 budget/target has increased to 3 \$610 million per year. Do you see that? 4 A. Yes. 4 A. Yes. 5 Q. And in the under the 6 end-of-year comments it says, "2012 has 7 been a fantastic year in achieving our 8 financial objectives. November 6th 9 year-to-date generic net sales was 10 \$705 million which is already 16 percent 11 O. So by only November of that 12 Q. So by only November of that 15 year, you had already met and exceeded 15 Q. But your objective was to				` ·
12 the website? 13 A. Yes. 14 Q. And what was your 15 involvement in that? 16 A. I provided some guidance and 17 comments. 18 Q. Do you remember anything 19 more specifically than that? 20 A. Not really. 21 MS. VENTURA: Before we move 22 to the next document, do you folks 23 mind if we take a restroom break? 24 MS. BAIG: Sure. That's Page 91 Q. And here it appears that the 2 budget/target has increased to 3 \$610 million per year. Do you see that? 4 A. Yes. 5 Q. And in the under the 6 end-of-year comments it says, "2012 has 7 been a fantastic year in achieving our 8 financial objectives. November 6th 9 year-to-date generic net sales was 10 \$705 million which is already 16 percent 11 Do you see that? 12 BY MS. BAIG: 13 Q. Okay. Let's have this document marked as Exhibit 5. It is a document bates-stamped Acquired_Actavis_0166139 through 1046. Acquired_Actavis_0166139 though 1046. Acquired_Actavis_0166139 though 1046. Acquired_Actavis_0166139 though 1046. Acquired_Actavis_016419. A Yes. Page 91 A Correct. Q Do you see on the next page it states, under completion criteria, "Establish appropriate product specific advertising programs aligned with regulatory affairs and product specific advertising programs you hel				
A. Yes. 14 Q. And what was your 15 involvement in that? 16 A. I provided some guidance and 17 comments. 18 Q. Do you remember anything 18 Q. Do you remember anything 19 more specifically than that? 20 A. Not really. 21 MS. VENTURA: Before we move 22 to the next document, do you folks 23 mind if we take a restroom break? 24 MS. BAIG: Sure. That's 25 Q. And here it appears that the 26 budget/target has increased to 27 Sefon million per year. Do you see that? 4 A. Yes. 4 Yes. 5 Q. And in the under the 6 end-of-year comments it says, "2012 has 7 been a fantastic year in achieving our 8 financial objectives. November 6th 9 year-to-date generic net sales was 10 \$705 million which is already 16 percent 11 Oy. So by only November of that 15 year, you had already met and exceeded 16 Acquired_Actavis_0166139 through 1046. 16 Acquired_Actavis_0166139 through 1046. 16 Acquired_Actavis_0166139 through 1046. 16 Acquired_Actavis_0166139 through 1046. 17 Appears to be another performance 18 evaluation from 2012. 19 Do you see that? 20 A. Yes. 21 Q. And you saw this in the 22 regular course of your business at 22 Actavis, right? 23 Actavis, right? 24 A. Yes. 25 Q. Do you see on the next page 26 it states, under completion criteria, 26 advertising programs aligned with 27 regulatory affairs and product 28 approvals." 29 Do you see that? 30 A. Yes. 31 A. Yes. 42 Page 91 43 A. Yes. 44 Correct. 45 Q. Do you see that? 46 Page 91 47 Page 91 48 A. Correct. 49 Do you see on the next page 30 it states, under completion criteria, 40 "Establish appropriate product specific advertising programs aligned with 40 regulatory affairs and product 41 approvals." 41 Do you see that? 42 A. Yes. 43 A. Yes. 44 Pyes. 45 Q. Do you recall what product 46 Section advertising programs you helpe 47 Section advertising programs you helpe 48 Section advertising programs you helpe 49 Section advertising programs you helpe 40 So by only November of that 41 Q. So by only November of that 41 Q. But your objective was to				
14 Q. And what was your 15 involvement in that? 16 A. I provided some guidance and 17 comments. 18 Q. Do you remember anything 19 more specifically than that? 20 A. Not really. 21 MS. VENTURA: Before we move 22 to the next document, do you folks 23 mind if we take a restroom break? 24 MS. BAIG: Sure. That's Page 91 1 Q. And here it appears that the 2 budget/target has increased to 3 \$610 million per year. Do you see that? 4 A. Yes. 4 A. Yes. 5 Q. And in the — under the 6 end-of-year comments it says, "2012 has 7 been a fantastic year in achieving our 8 financial objectives. November 6th 9 year-to-date generic net sales was 10 \$705 million which is already 16 percent 11 O. So by only November of that 15 document marked as Exhibit 5. It is a document Bates-stamped 16 Acquired Actavis [016139 through 1046. 4 Appears to be another performance evaluation from 2012. 9 Do you see that? 1 A. Yes. Page 91 Page 91 Page 91 Page 91 A. Correct. Q. Do you see on the next page it states, under completion criteria, "Establish appropriate product specific advertising programs aligned with regulatory affairs and product approvals." 1 Do you see that? A. Yes. Q. Do you see that? A. Yes. Q. Do you recall what product specific advertising programs you helpe establish that year? A. I don't remember specific products. Q. But your objective was to				
15 involvement in that? 16 A. I provided some guidance and 17 comments. 18 Q. Do you remember anything 19 more specifically than that? 20 A. Not really. 21 MS. VENTURA: Before we move 22 to the next document, do you folks 23 mind if we take a restroom break? 24 MS. BAIG: Sure. That's Page 91 1 Q. And here it appears that the 2 budget/target has increased to 3 \$610 million per year. Do you see that? 4 A. Yes. 4 A. Yes. 5 Q. And in the under the 6 end-of-year comments it says, "2012 has 7 been a fantastic year in achieving our 8 financial objectives. November 6th 9 year-to-date generic net sales was 10 \$705 million which is already 16 percent 11 Oyou say this in the 12 regular course of your business at 15 A. Yes. 4 A. Correct. Q. Do you see on the next page 16 Acquired_Actavis_0166139 through 1046. 17 Appears to be another performance evaluation from 2012. Q. A. Yes. Q. And you saw this in the 12 regular course of your business at 14 A. Yes. 15 A. Yes. 4 A. Yes. 16 A. Correct. Q. Do you see on the next page 16 it states, under completion criteria, 17 Appears to be another performance evaluation from 2012. A. Yes. Q. And you saw this in the 18 calvatisin right? A. Yes. 10 Do you see on the next page 11 Stablish appropriate product specific advertising programs aligned with 12 regulatory affairs and product 13 approvals." 14 Do you see that? 15 Do you see that? 16 A. Yes. 10 Do you see that? 11 Do you see that? 12 Do you see that? 13 A. Yes. 14 Q. So by only November of that 15 year, you had already met and exceeded 15 Q. But your objective was to				
16 A. I provided some guidance and 17 comments. 18 Q. Do you remember anything 19 more specifically than that? 20 A. Not really. 21 MS. VENTURA: Before we move 22 to the next document, do you folks 23 mind if we take a restroom break? 24 MS. BAIG: Sure. That's Page 91 Q. And here it appears that the 2 budget/target has increased to 3 \$610 million per year. Do you see that? 4 A. Yes. Page 91 Q. And in the under the 6 end-of-year comments it says, "2012 has 6 end-of-year comments it says, "2012 has 7 been a fantastic year in achieving our 8 financial objectives. November 6th 9 year-to-date generic net sales was 10 \$705 million which is already 16 percent 11 over the full year budget of 610." 12 Do you see that? 13 A. Yes. Q. Bo by only November of that 14 Q. So by only November of that 15 year, you had already met and exceeded 16 Acquired_Actavis_0166139 through 1046. 17 Appears to be another performance evaluation from 2012. 19 Do you see that? 20 A. Yes. 21 A. Yes. 22 A. Yes. 23 Actavis, right? 24 A. Yes. 24 A. Yes. 25 A. Yes. 26 A. Yes. 27 A. Yes. 28 A. Correct. 29 Do you see on the next page it states, under completion criteria, advertising programs aligned with regulatory affairs and product approvals." 28 Do you see that? 39 A. Yes. 40 Do you recall what product specific advertising programs you helpe establish that year? 30 A. I don't remember specific products. 31 A. I don't remember specific products. 41 Q. But your objective was to				
17 comments. 18 Q. Do you remember anything 19 more specifically than that? 20 A. Not really. 21 MS. VENTURA: Before we move 22 to the next document, do you folks 23 mind if we take a restroom break? 24 MS. BAIG: Sure. That's 26 A. Yes. Page 91 1 Q. And here it appears that the 2 budget/target has increased to 3 \$610 million per year. Do you see that? 4 A. Yes. Page 91 1 Q. And here it appears that the 2 budget/target has increased to 3 \$610 million per year. Do you see that? 4 A. Yes. Page 91 1 Q. And in the under the 5 dend-of-year comments it says, "2012 has been a fantastic year in achieving our 8 financial objectives. November 6th 9 year-to-date generic net sales was 10 \$705 million which is already 16 percent 11 over the full year budget of 610." 20 A. Yes. Page 91 A. Correct. Q. Do you see on the next page it states, under completion criteria, 4 "Establish appropriate product specific advertising programs aligned with regulatory affairs and product 4 approvals." Do you see that? A. Yes. Q. Do you recall what product 5 specific advertising programs you helpe cestablish that year? A. Yes. Q. Do you recall what product 5 specific advertising programs you helpe cestablish that year? A. I don't remember specific products. Q. But your objective was to				÷
18 Q. Do you remember anything 19 more specifically than that? 20 A. Not really. 21 MS. VENTURA: Before we move 22 to the next document, do you folks 23 mind if we take a restroom break? 24 MS. BAIG: Sure. That's Page 91 Q. And here it appears that the 2 budget/target has increased to 3 \$610 million per year. Do you see that? 4 A. Yes. Q. And in the under the 6 end-of-year comments it says, "2012 has 7 been a fantastic year in achieving our 8 financial objectives. November 6th 9 year-to-date generic net sales was 10 \$705 million which is already 16 percent 10 over the full year budget of 610." 11 Do you see that? 12 Do you see that? 13 A. Yes. 14 Q. So by only November of that 15 year, you had already met and exceeded 18 evaluation from 2012. 19 Do you see that? 20 A. Yes. 21 Q. And you saw this in the 22 regular course of your business at 23 Actavis, right? 24 A. Yes. 25 Q. Do you see on the next page it states, under completion criteria, 4 "Establish appropriate product specific advertising programs aligned with regulatory affairs and product approvals." 8 Do you see that? 9 A. Yes. 10 Q. Do you recall what product specific advertising programs you helpe establish that year? 13 A. Yes. 14 Q. So by only November of that 15 year, you had already met and exceeded 15 Q. But your objective was to				
19 more specifically than that? 20 A. Not really. 21 MS. VENTURA: Before we move 22 to the next document, do you folks 23 mind if we take a restroom break? 24 MS. BAIG: Sure. That's 25 Page 91 1 Q. And here it appears that the 26 budget/target has increased to 27 Selfon million per year. Do you see that? 28 A. Yes. Page 91 1 Q. And here it appears that the 29 budget/target has increased to 30 \$610 million per year. Do you see that? 4 A. Yes. 4 A. Yes. 5 Q. And in the under the 6 end-of-year comments it says, "2012 has 7 been a fantastic year in achieving our 8 financial objectives. November 6th 9 year-to-date generic net sales was 10 \$705 million which is already 16 percent 11 over the full year budget of 610." 12 Do you see that? 13 A. Yes. 14 Q. So by only November of that 15 year, you had already met and exceeded 15 Q. But your objective was to				
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MS. VENTURA: Before we move to the next document, do you folks mind if we take a restroom break? MS. BAIG: Sure. That's Page 91 Q. And here it appears that the budget/target has increased to 3 \$610 million per year. Do you see that? A. Yes. Q. And in the under the 6 end-of-year comments it says, "2012 has 7 been a fantastic year in achieving our 8 financial objectives. November 6th 9 year-to-date generic net sales was 10 \$705 million which is already 16 percent over the full year budget of 610." Do you see that? A. Yes. Q. And you saw this in the regular course of your business at Actavis, right? A. Yes. A. Yes. Page 91 A. Correct. Q. Do you see on the next page it states, under completion criteria, "Establish appropriate product specific advertising programs aligned with regulatory affairs and product approvals." B. Do you see that? A. Yes. Q. Do you see that? A. Yes. A. Yes. A. Yes. A. Yes. A. Yes. A. I don't remember specific products. Q. But your objective was to		÷ • •		-
to the next document, do you folks mind if we take a restroom break? 23 mind if we take a restroom break? 24 MS. BAIG: Sure. That's Page 91 Q. And here it appears that the budget/target has increased to 3 \$610 million per year. Do you see that? 4 A. Yes. Do you see on the next page it states, under completion criteria, 4 A. Yes. Q. And in the under the 6 end-of-year comments it says, "2012 has 7 been a fantastic year in achieving our 8 financial objectives. November 6th 9 year-to-date generic net sales was 10 \$705 million which is already 16 percent 10 over the full year budget of 610." Do you see that? A. Yes. A. Yes. A. Yes. Q. Do you see on the next page it states, under completion criteria, 4 "Establish appropriate product specific advertising programs aligned with regulatory affairs and product approvals." Bo you see that? A. Yes. Q. Do you see that? A. Yes. A. Yes. A. Yes. A. I don't remember specific products. Q. But your objective was to		•		
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Page 91 Q. And here it appears that the budget/target has increased to 2 Q. Do you see on the next page 3 \$610 million per year. Do you see that? 4 A. Yes. 4 "Establish appropriate product specific 2 And in the under the 5 advertising programs aligned with 6 end-of-year comments it says, "2012 has 6 regulatory affairs and product 7 been a fantastic year in achieving our 8 financial objectives. November 6th 9 year-to-date generic net sales was 9 A. Yes. 10 \$705 million which is already 16 percent 11 over the full year budget of 610." 11 specific advertising programs you helpe 12 Do you see that? 12 establish that year? 13 A. Yes. 14 Yes. 15 year, you had already met and exceeded 15 Q. But your objective was to				-
Page 91 Q. And here it appears that the budget/target has increased to 2 Q. Do you see on the next page 3 \$610 million per year. Do you see that? 4 A. Yes. 4 "Establish appropriate product specific 5 Q. And in the under the 5 advertising programs aligned with 6 end-of-year comments it says, "2012 has 6 regulatory affairs and product 7 been a fantastic year in achieving our 8 financial objectives. November 6th 9 year-to-date generic net sales was 9 A. Yes. 10 \$705 million which is already 16 percent 11 over the full year budget of 610." 11 specific advertising programs you helpe 12 Do you see that? 12 establish that year? 13 A. Yes. 14 Q. So by only November of that 15 year, you had already met and exceeded 15 Q. But your objective was to	23		23	
1 Q. And here it appears that the 2 budget/target has increased to 3 \$610 million per year. Do you see that? 4 A. Yes. 5 Q. And in the under the 6 end-of-year comments it says, "2012 has 7 been a fantastic year in achieving our 8 financial objectives. November 6th 9 year-to-date generic net sales was 10 \$705 million which is already 16 percent 11 over the full year budget of 610." 12 Do you see that? 13 A. Yes. 14 A. Correct. 2 Q. Do you see on the next page 3 it states, under completion criteria, 4 "Establish appropriate product specific 5 advertising programs aligned with 6 regulatory affairs and product 7 approvals." 8 Do you see that? 9 A. Yes. 10 \$705 million which is already 16 percent 11 over the full year budget of 610." 12 specific advertising programs you helpe 12 Do you see that? 13 A. Yes. 14 Q. So by only November of that 15 year, you had already met and exceeded 15 Q. But your objective was to	24	MS. BAIG: Sure. That's	24	A. Yes.
budget/target has increased to \$\frac{1}{3}\$ \$\frac{1}{3}		Page 91		Page 92
budget/target has increased to \$\frac{1}{3}\$ \$\frac{10}{3}\$ million per year. Do you see that? \$\frac{1}{4}\$ A. Yes. \$\frac{1}{4}\$ WEstablish appropriate product specific of advertising programs aligned with regulatory affairs and product approvals." \$\frac{1}{4}\$ Do you see that? \$\frac{1}{4}\$ A. Yes. \$\frac{1}{4}\$ Q. So by only November of that year, you had already met and exceeded \$\frac{1}{4}\$ Do you see on the next page it states, under completion criteria, \$\frac{1}{4}\$ if constant in the comp	1	O. And here it appears that the	1	A. Correct.
\$610 million per year. Do you see that? A. Yes. Q. And in the under the end-of-year comments it says, "2012 has been a fantastic year in achieving our financial objectives. November 6th year-to-date generic net sales was \$70	2		2	Q. Do you see on the next page
4 A. Yes. Q. And in the under the 6 end-of-year comments it says, "2012 has 7 been a fantastic year in achieving our 8 financial objectives. November 6th 9 year-to-date generic net sales was 10 \$705 million which is already 16 percent 11 over the full year budget of 610." 12 Do you see that? 13 A. Yes. 14 "Establish appropriate product specific advertising programs aligned with 6 regulatory affairs and product 7 approvals." 8 Do you see that? 9 A. Yes. 10 \$705 million which is already 16 percent 11 over the full year budget of 610." 12 by our ceall what product 13 product specific advertising programs you helpe 14 cestablish that year? 15 year, you had already met and exceeded 15 Q. But your objective was to	3		3	
Q. And in the under the end-of-year comments it says, "2012 has been a fantastic year in achieving our 8 financial objectives. November 6th 9 year-to-date generic net sales was 9 A. Yes. 10 \$705 million which is already 16 percent 10 over the full year budget of 610." 11 specific advertising programs you helpe 12 Do you see that? 12 establish that year? 13 A. Yes. 14 Q. So by only November of that 15 year, you had already met and exceeded 15 Q. But your objective was to	4		4	-
6 end-of-year comments it says, "2012 has 7 been a fantastic year in achieving our 8 financial objectives. November 6th 9 year-to-date generic net sales was 10 \$705 million which is already 16 percent 11 over the full year budget of 610." 12 Do you see that? 13 A. Yes. 14 Q. So by only November of that 15 year, you had already met and exceeded 16 regulatory affairs and product 7 approvals." 8 Do you see that? 9 A. Yes. 10 Q. Do you recall what product 11 specific advertising programs you helpe 12 establish that year? 13 A. I don't remember specific 14 products. 15 Q. But your objective was to	5	O. And in the under the	5	
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8 financial objectives. November 6th 9 year-to-date generic net sales was 10 \$705 million which is already 16 percent 11 over the full year budget of 610." 12 Do you see that? 13 A. Yes. 14 Q. So by only November of that 15 year, you had already met and exceeded 16 Do you see that? 17 Do you see that? 18 Do you see that? 19 Q. Do you recall what product specific advertising programs you helpe establish that year? 10 A. I don't remember specific products. 11 products. 12 Q. But your objective was to		-		
9 year-to-date generic net sales was 10 \$705 million which is already 16 percent 11 over the full year budget of 610." 12 Do you see that? 13 A. Yes. 14 Q. So by only November of that 15 year, you had already met and exceeded 16 A. Yes. 17 A. Yes. 18 A. I don't remember specific products. 19 A. Yes. 10 Q. Do you recall what product specific advertising programs you helpe establish that year? 10 Q. So by only November of that products. 11 Products. 12 Q. But your objective was to	8		8	**
10 \$705 million which is already 16 percent 11 over the full year budget of 610." 12 Do you see that? 13 A. Yes. 14 Q. So by only November of that 15 year, you had already met and exceeded 16 Q. Do you recall what product 17 specific advertising programs you helpe 18 establish that year? 19 A. I don't remember specific 19 products. 10 Q. Do you recall what product 11 specific advertising programs you helpe 12 establish that year? 13 A. I don't remember specific 14 products. 15 Q. But your objective was to		· ·	9	_
11 over the full year budget of 610." 12 Do you see that? 13 A. Yes. 14 Q. So by only November of that 15 year, you had already met and exceeded 16 specific advertising programs you helpe establish that year? 18 A. I don't remember specific products. 19 Products. 10 Q. But your objective was to		•		11. 1 00.
12 Do you see that? 13 A. Yes. 14 Q. So by only November of that 15 year, you had already met and exceeded 16 establish that year? 17 A. I don't remember specific products. 18 products. 19 Q. But your objective was to		• •		
13 A. Yes. 14 Q. So by only November of that 15 year, you had already met and exceeded 15 Q. But your objective was to		· -		
14 Q. So by only November of that 14 products. 15 year, you had already met and exceeded 15 Q. But your objective was to		•		•
15 year, you had already met and exceeded 15 Q. But your objective was to				*
Q. Buryou objective was to		· · · · · · · · · · · · · · · · · · ·		1
F ±0 Capana advertising programs via a vario		* *		
MR. MAIER: Objection to 17 of channels to increase the outreach to		9 1		
18 form. 18 target audiences, correct?		-		
19 BY MS. BAIG: 19 A. That's in the objective,				_
				_
] 01				•
Q. Do you tememoet what new				· · · · · · · · · · · · · · · · · · ·
22 corporate oranging advertisement you				
de de la companya de				1
24 40 percent; is that right? 24 A. I don't.		. o percent, is that right.	4	A. I dont.

	Dago 02		Dago 04
	Page 93		Page 94
1	Q. Do you recall that you were	1	through direct mailing to physicians,
2	updating the sizzle slide monthly?	2	advertising in pediatrics journal, as
3	A. That was normal course of	3	well as compliance at the trade level; is
4	business and normal business activity.	4	that right?
5	So I would expect those to be updated on	5	MR. KNAPP: Objection to
6	a regular basis.	6	form.
7	Q. Do you see in the next box	7	THE WITNESS: Let me clarify
8	it talks about "we continue to promote	8	that. The mixed amphetamine salts
9	oxymorphone ER." Do you see that?	9	were to pharmacists and the
10	A. I do see that.	10	wholesaler McKesson, not to the
11	Q. Okay. TRx refers to what?	11	physician.
12	A. Total scripts.	12	BY MS. BAIG:
13	Q. I see. "Total scripts now	13	Q. Oh, I see. The direct
14	has exceeded the brand peak level prior	14	mailing to physicians refers to what?
15	to brand discontinuation in March 2011,"	15	A. That refers to
16	correct?	16	methylphenidate. That's Ritalin LA.
17	A. I saw that.	17	Q. Got it. "Corporate
18	Q. "We also promoted mixed	18	branding, new advertisement is developed
	•		
19	amphetamine ER salts to pharmacists as well as wholesalers."	19	but not aired due to Watson acquisition."
20		20	So you developed it prior to
21	What were the mixed	21	learning about it Watson acquisition, or
22	amphetamine ER salts?	22	what happened there?
23	A. That's generic Adderall.	23	MR. MAIER: Objection to
24	Q. And you promoted those	24	form.
	Page 95		Page 96
1	THE WITNESS: So the Watson	1	Q. I see. You understand that
2	acquisition, those are large	2	you've been designated as a custodian of
3	deals. None of us would know	3	documents to be produced in this case?
4	until it's announced.	4	MR. MAIER: Objection to
5	BY MS. BAIG:	5	form.
6	Q. So you were developing the	6	THE WITNESS: Yes.
7	corporate branding advertisement, and	7	BY MS. BAIG:
8	then did not use it; is that right?	8	Q. That your files were sought
9	A. That's correct.	9	in connection with this litigation,
10	Q. I think you stated that you	10	right?
11	left the company in 2013. Why did you	11	A. Yes.
12	leave Actavis?	12	Q. Okay. And do you know which
13		13	of your files were searched for in
1 7	A Because Actavis was acquired	1 1 1	
	A. Because Actavis was acquired by Watson. So there was leadership		•
14	by Watson. So there was leadership	14	connection with that production?
14 15	by Watson. So there was leadership change.	14 15	connection with that production? MS. GERMANO: Objection to
14 15 16	by Watson. So there was leadership change. Q. So were you asked to leave	14 15 16	connection with that production? MS. GERMANO: Objection to the extent that it goes into any
14 15 16 17	by Watson. So there was leadership change. Q. So were you asked to leave at that time?	14 15 16 17	connection with that production? MS. GERMANO: Objection to the extent that it goes into any privileged communications.
14 15 16 17 18	by Watson. So there was leadership change. Q. So were you asked to leave at that time? A. I did not have my existing	14 15 16 17 18	connection with that production? MS. GERMANO: Objection to the extent that it goes into any privileged communications. THE WITNESS: I left Actavis
14 15 16 17 18	by Watson. So there was leadership change. Q. So were you asked to leave at that time? A. I did not have my existing position.	14 15 16 17 18 19	connection with that production? MS. GERMANO: Objection to the extent that it goes into any privileged communications. THE WITNESS: I left Actavis six years ago. I would not know
14 15 16 17 18 19 20	by Watson. So there was leadership change. Q. So were you asked to leave at that time? A. I did not have my existing position. Q. Did they offer another	14 15 16 17 18 19 20	connection with that production? MS. GERMANO: Objection to the extent that it goes into any privileged communications. THE WITNESS: I left Actavis six years ago. I would not know what was searched. I would assume
14 15 16 17 18 19 20 21	by Watson. So there was leadership change. Q. So were you asked to leave at that time? A. I did not have my existing position. Q. Did they offer another position to you?	14 15 16 17 18 19 20 21	connection with that production? MS. GERMANO: Objection to the extent that it goes into any privileged communications. THE WITNESS: I left Actavis six years ago. I would not know what was searched. I would assume everything that was available were
14 15 16 17 18 19 20 21 22	by Watson. So there was leadership change. Q. So were you asked to leave at that time? A. I did not have my existing position. Q. Did they offer another position to you? A. There were interest to offer	14 15 16 17 18 19 20 21 22	connection with that production? MS. GERMANO: Objection to the extent that it goes into any privileged communications. THE WITNESS: I left Actavis six years ago. I would not know what was searched. I would assume everything that was available were searched.
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Page 97 Page 98 or another? 1 A. Not in the normal course of 1 2 2 business. A. I do not. 3 Q. Did you ever use personal 3 Q. Do you know if you have any 4 computers or other devices such as phones 4 personal e-mails? Do you know if you or iPads for work purposes? 5 have any company e-mails on your personal 5 account that still exist? A. Which time period are you 6 6 7 7 referring to? A. I don't believe so. 8 Q. When you were at Alpharma 8 Q. Have you looked? 9 and Actavis? 9 A. Personal e-mail, I did. Q. Did you find any e-mails? 10 A. Oh, I used the company's 10 computer for company business. And I had A. No, I did not. 11 11 the phone from company. I did not have Q. Did you receive other 12 12 an iPad at that time. 13 performance evaluations while at Actavis 13 Q. And did you have to return other than the ones that we've just been 14 14 the phone when you left the company? 15 through, that you recall? 15 A. Yes. A. This is a standard -- every 16 16 17 Q. And did you use text -- text 17 year everyone received them. messages for company business? Q. When you left the company, 18 18 A. Yes. 19 did you enter into a severance agreement? 19 Q. Did you ever use any other 20 A. Yes. 20 21 sort of program other than e-mail -- did 21 O. And did that severance you use a personal -- actually, did you 22 22 agreement -- under that severance 23 use a personal e-mail address to conduct 23 agreement, were you paid a lump sum of 24 company business ever? 24 money? Page 99 Page 100 1 A. No. It was in the form of 1 A. Yes. 2 continuation for -- you know, like a 2 Q. And you were the one 3 regular paycheck, come for a period of 3 responsible for leading the oxymorphone 4 ER launch; is that right? 4 5 Q. So they continued to pay you 5 A. Yes. 6 for your regular salary? Q. And you reviewed market 6 7 A. So it's a severance. 7 research and delivered quarterly market 8 Instead of a lump sum, it was distributed 8 share reports; is that right? 9 9 A. The quarterly market share in the interval of the normal paycheck. reports cover every product. 10 Q. And what amount was 10 distributed to you as part of the Q. And who were those delivered 11 11 severance agreement? to? 12 12 13 A. I don't remember. 13 A. Those were delivered to Q. Do you remember roughly? 14 sales and marketing and people who might 14 15 A. Roughly it's based on the 15 need them. It's internal. year of service, so I want to say it's 16 Q. And you delivered quarterly 16 market share reports for every product, 17 16 weeks. 17 including generic opioids, correct? 18 Q. 16 weeks of salary? 18 A. Yeah. It's two weeks per 19 A. For every product. 19 Q. And you provided marketing 20 year of service. 20 21 Q. As the director of generic 21 in financial evaluations? marketing, you were the one leading the 22 22 A. Can you clarify what -generic marketing team that we discussed, clarify your question, please. 23 23 24 24 Q. In the capacity of director correct?

	Page 101		Page 102
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1	of marketing, did you provide marketing	1	within my responsibility.
2	and financial evaluations to anyone at	2	Q. And were you responsible for
3	the company on a regular basis?	3	creating targets for the people that
4	MR. MAIER: Objection to	4	reported to you?
5	form.	5	A. So target if I were to
6	THE WITNESS: Yeah, as part	6	consider them the same as my objectives,
7	of my job, of course there's	7	so it's not a single number or anything.
8	marketing information to, you	8	Target is really objectives in different
9	know, my managers and people who	9	aspects of doing the job.
10	are regularly conducting business.	10	Q. Which sometimes include
11	And the evaluation would be	11	numbers as well, correct?
12	supporting business development,	12	A. Of course.
13	product selection. Yeah, various	13	Q. Okay.
14	teams.	14	A. It's part of our job, right,
15	BY MS. BAIG:	15	to
16	Q. And would you also create	16	Q. So, I'm just trying to
17	marketing forecasts for pipeline	17	understand if it was your responsibility
18	products?	18	to create those target numbers for the
19	A. I did.	19	people that worked for you?
20	Q. And would you were you	20	A. Yes.
21	responsible for developing sales	21	Q. Okay. And how did you go
22	projections of all generic products in	22	about doing that?
23	the annual budget?	23	A. Typically each individual
24	A. Ultimately, yeah, it fell	24	would look at the company objectives and
	3 / 3		1 2
	Page 103		Page 104
-			
1 1	then take that into consideration and	1	numbers for now.
1 2	then take that into consideration and align with their individual	1 2	numbers for now. A. Okay.
2	align with their individual	2	A. Okay.
2 3	align with their individual responsibility and come up with goals and	2	A. Okay.Q. I appreciate that there are
2 3 4	align with their individual responsibility and come up with goals and objectives for the year. And I would	2	A. Okay. Q. I appreciate that there are a number of different objectives. The
2 3 4 5	align with their individual responsibility and come up with goals and objectives for the year. And I would approve them.	2 3 4 5	A. Okay. Q. I appreciate that there are a number of different objectives. The budgets/targets that we discussed
2 3 4 5 6	align with their individual responsibility and come up with goals and objectives for the year. And I would approve them. Q. And did you work with	2 3 4	A. Okay. Q. I appreciate that there are a number of different objectives. The budgets/targets that we discussed before
2 3 4 5 6 7	align with their individual responsibility and come up with goals and objectives for the year. And I would approve them. Q. And did you work with anybody in creating those target numbers?	2 3 4 5 6 7	A. Okay. Q. I appreciate that there are a number of different objectives. The budgets/targets that we discussed before A. Okay.
2 3 4 5 6 7 8	align with their individual responsibility and come up with goals and objectives for the year. And I would approve them. Q. And did you work with anybody in creating those target numbers? A. You mean the sales budget or	2 3 4 5 6	A. Okay. Q. I appreciate that there are a number of different objectives. The budgets/targets that we discussed before A. Okay. Q that were increasing year
2 3 4 5 6 7 8	align with their individual responsibility and come up with goals and objectives for the year. And I would approve them. Q. And did you work with anybody in creating those target numbers? A. You mean the sales budget or the objectives?	2 3 4 5 6 7 8	A. Okay. Q. I appreciate that there are a number of different objectives. The budgets/targets that we discussed before A. Okay. Q that were increasing year over year for you. And I'm wondering if
2 3 4 5 6 7 8 9	align with their individual responsibility and come up with goals and objectives for the year. And I would approve them. Q. And did you work with anybody in creating those target numbers? A. You mean the sales budget or the objectives? Q. Whatever target numbers that	2 3 4 5 6 7 8	A. Okay. Q. I appreciate that there are a number of different objectives. The budgets/targets that we discussed before A. Okay. Q that were increasing year over year for you. And I'm wondering if you set targets for your team members
2 3 4 5 6 7 8 9 10	align with their individual responsibility and come up with goals and objectives for the year. And I would approve them. Q. And did you work with anybody in creating those target numbers? A. You mean the sales budget or the objectives? Q. Whatever target numbers that you were giving to the members of your	2 3 4 5 6 7 8 9	A. Okay. Q. I appreciate that there are a number of different objectives. The budgets/targets that we discussed before A. Okay. Q that were increasing year over year for you. And I'm wondering if
2 3 4 5 6 7 8 9 10 11	align with their individual responsibility and come up with goals and objectives for the year. And I would approve them. Q. And did you work with anybody in creating those target numbers? A. You mean the sales budget or the objectives? Q. Whatever target numbers that you were giving to the members of your team?	2 3 4 5 6 7 8 9 10	A. Okay. Q. I appreciate that there are a number of different objectives. The budgets/targets that we discussed before A. Okay. Q that were increasing year over year for you. And I'm wondering if you set targets for your team members similar to the ones that you had, or or different.
2 3 4 5 6 7 8 9 10 11 12 13	align with their individual responsibility and come up with goals and objectives for the year. And I would approve them. Q. And did you work with anybody in creating those target numbers? A. You mean the sales budget or the objectives? Q. Whatever target numbers that you were giving to the members of your team? A. Yes. I worked with all of	2 3 4 5 6 7 8 9 10 11 12	A. Okay. Q. I appreciate that there are a number of different objectives. The budgets/targets that we discussed before A. Okay. Q that were increasing year over year for you. And I'm wondering if you set targets for your team members similar to the ones that you had, or or different. MS. GERMANO: Objection
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	align with their individual responsibility and come up with goals and objectives for the year. And I would approve them. Q. And did you work with anybody in creating those target numbers? A. You mean the sales budget or the objectives? Q. Whatever target numbers that you were giving to the members of your team? A. Yes. I worked with all of them to create those objectives. Q. You worked you would provide them the target numbers or who did you my question is, who did you work with to come up with targets for your team? A. So the process is such the company set the objectives first. And we wanted our objectives to be aligned with a company's perspective objectives.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Okay. Q. I appreciate that there are a number of different objectives. The budgets/targets that we discussed before A. Okay. Q that were increasing year over year for you. And I'm wondering if you set targets for your team members similar to the ones that you had, or or different. MS. GERMANO: Objection MR. MAIER: Objection to form. MS. GERMANO: as to form and to accuracy. THE WITNESS: Okay. I know it's a little complicated, but the budget number was set at the company level. Then became my budget. I had product managers who have individual budget which
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	align with their individual responsibility and come up with goals and objectives for the year. And I would approve them. Q. And did you work with anybody in creating those target numbers? A. You mean the sales budget or the objectives? Q. Whatever target numbers that you were giving to the members of your team? A. Yes. I worked with all of them to create those objectives. Q. You worked you would provide them the target numbers or who did you my question is, who did you work with to come up with targets for your team? A. So the process is such the company set the objectives first. And we wanted our objectives to be aligned with	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Okay. Q. I appreciate that there are a number of different objectives. The budgets/targets that we discussed before A. Okay. Q that were increasing year over year for you. And I'm wondering if you set targets for your team members similar to the ones that you had, or or different. MS. GERMANO: Objection MR. MAIER: Objection to form. MS. GERMANO: as to form and to accuracy. THE WITNESS: Okay. I know it's a little complicated, but the budget number was set at the company level. Then became my budget. I had product managers

Page 105 Page 106 1 So those -- the sum of the against their ability to meet those 1 2 2 targets; is that right? product they manage becomes their 3 budget. Does that make sense? 3 A. The -- the ability to meet those budget numbers are one of the 4 BY MS. BAIG: 4 5 component of their evaluation. 5 Q. Did they have sales goals? A. They have budget objectives Q. And did you work with 6 6 7 such as mine, similar to mine. 7 anybody else in setting those numbers for your team, did you work with the person 8 Q. Were those sales goals? 8 you reported to, or anybody else, in 9 A. Those were revenue 9 setting those numbers, or did you do that 10 objectives. 10 on your own? 11 Q. Okay. And how did you go 11 about setting those revenue objectives A. So with my team, I worked 12 12 for your -- the people that reported to with my team individually to set up those 13 13 14 you? 14 goals. 15 A. Okay. So if I were to use 15 The company budget was set, of course, working with many other teams example, if the company's budget is, say 16 16 17 \$600 million, each person in my group, if 17 to set the company budget, Mike Perfetto, they manage product, let's say if the and his boss, you know, product 18 18 19 product they manage 20 product, that 20 19 development team. So many other people, product revenue adds up to \$200 million, to come up with the company budget. 20 20 21 then their budget objective would be 21 Q. And how many people did you have reporting to you when you were at 22 \$200 million. 22 23 Q. Okay. And their bonus 23 Actavis, was it just those four that 24 potential would be in part measured 24 we've talked about already, or did you Page 107 Page 108 1 have others reporting to you as well? 1 Q. Were theirs increasing year 2 A. So there were turnover of 2 over year as well? 3 3 course. So there were people who came, MS. GERMANO: Objection. 4 who joined the team, who left the team, 4 Mischaracterizes. 5 we, you know, filled those positions. So 5 MS. VENTURA: Join the 6 there were other peoples during my course 6 objection. 7 of eight years there. 7 THE WITNESS: So my team's Q. Was the number of people 8 8 objectives are aligned with mine, 9 that reported to you ever larger than which was aligned with the company 9 objectives. So it depends on the 10 four? 10 A. I'm really not sure. product they manage, you could 11 11 Q. Okay. But it was never like fluctuate. 12 12 50 or something like that? 13 13 BY MS. BAIG: A. No. It could be five. 14 Q. You were ultimately 14 Q. It was in that range? responsible for trying to drive generic 15 15 sales for all of your products, but 16 A. Yeah. 16 Q. Okay. In looking at your including your opioid products, correct? 17 17 MR. MAIER: Objection to performance evaluations, I can see that 18 18 19 your targets were increasing year over 19 form. year. Do you know whether or not that 20 20 MS. VENTURA: Objection to 21 was consistent with the targets that you 21 form. set with your -- for your team members? THE WITNESS: I'm one of the 22 22 MS. GERMANO: Objection -people who were responsible for 23 23 24 24 driving the company's business. BY MS. BAIG:

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			-
1	BY MS. BAIG:	1	form.
2	Q. But talking about you, you	2	THE WITNESS: Only generic
3	were responsible for driving the	3	prescription drug sales.
4	company's generic opioid sales, correct?	4	BY MS. BAIG:
5	MR. MAIER: Objection to	5	Q. Okay. And in your efforts
6	form.	6	to do that, what marketing tools did you
7	THE WITNESS: See, in these	7	use to drive
8	days it's always a team, right?	8	MS. GERMANO: Objection to
9	So I headed the marketing. And	9	form
10	there was my boss, there's a sales	10	BY MS. BAIG:
11	team, and really product	11	Q sales for generic
12	development team. Everyone was	12	products?
13	working to drive the company's	13	MS. GERMANO: and
14	growth.	14	foundation.
15	BY MS. BAIG:	15	THE WITNESS: I mean this is
16	Q. Were you also responsible	16	a big question. To drive a
17	for driving brand name drug sales?	17	business growth, it required
18	A. I was not.	18	really the whole company. It
19	MS. GERMANO: Objection.	19	wasn't just me.
20	BY MS. BAIG:	20	BY MS. BAIG:
21	Q. So you were primarily	21	Q. Sure. No, I understand
22	involved with driving generic drug sales?	22	that. I'm just talking to you about what
23	MS. GERMANO: Objection.	23	you know and the tools that you used in
24	MR. MAIER: Objection to	24	the in your capacity as marketing
	Page 111		D 110
	rage III		Page 112
1	director.	1	
1 2		1 2	director of marketing. My question to you is, what marketing tools did you use
	director. What marketing tools did you		director of marketing. My question to
2	director. What marketing tools did you do to try to drive those sales of generic	2	director of marketing. My question to you is, what marketing tools did you use
2 3	director. What marketing tools did you	2	director of marketing. My question to you is, what marketing tools did you use to try to drive sales?
2 3 4	director. What marketing tools did you do to try to drive those sales of generic opioid products?	2 3 4	director of marketing. My question to you is, what marketing tools did you use to try to drive sales? We've talked about a few.
2 3 4 5	director. What marketing tools did you do to try to drive those sales of generic opioid products? MR. MAIER: Objection to	2 3 4 5	director of marketing. My question to you is, what marketing tools did you use to try to drive sales? We've talked about a few. We talked about sizzle slides, for
2 3 4 5 6	director. What marketing tools did you do to try to drive those sales of generic opioid products? MR. MAIER: Objection to form.	2 3 4 5 6	director of marketing. My question to you is, what marketing tools did you use to try to drive sales? We've talked about a few. We talked about sizzle slides, for example. We've talked about meetings
2 3 4 5 6 7	director. What marketing tools did you do to try to drive those sales of generic opioid products? MR. MAIER: Objection to form. THE WITNESS: So generic	2 3 4 5 6 7	director of marketing. My question to you is, what marketing tools did you use to try to drive sales? We've talked about a few. We talked about sizzle slides, for example. We've talked about meetings that you've had with the customers.
2 3 4 5 6 7 8	director. What marketing tools did you do to try to drive those sales of generic opioid products? MR. MAIER: Objection to form. THE WITNESS: So generic sales typically would to drive	2 3 4 5 6 7 8	director of marketing. My question to you is, what marketing tools did you use to try to drive sales? We've talked about a few. We talked about sizzle slides, for example. We've talked about meetings that you've had with the customers. What we've talked about
2 3 4 5 6 7 8 9	director. What marketing tools did you do to try to drive those sales of generic opioid products? MR. MAIER: Objection to form. THE WITNESS: So generic sales typically would to drive the growth of generic sales	2 3 4 5 6 7 8	director of marketing. My question to you is, what marketing tools did you use to try to drive sales? We've talked about a few. We talked about sizzle slides, for example. We've talked about meetings that you've had with the customers. What we've talked about your use of ad agencies.
2 3 4 5 6 7 8 9	director. What marketing tools did you do to try to drive those sales of generic opioid products? MR. MAIER: Objection to form. THE WITNESS: So generic sales typically would to drive the growth of generic sales involves a number of factors.	2 3 4 5 6 7 8 9	director of marketing. My question to you is, what marketing tools did you use to try to drive sales? We've talked about a few. We talked about sizzle slides, for example. We've talked about meetings that you've had with the customers. What we've talked about your use of ad agencies. What other types of tools
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15 availability of the generic product. 16 Q. And do you know when the 17 company started using Kadian sales reps 18 to market generic opioids? 19 MS. VENTURA: Objection to 20 form. 21 THE WITNESS: It was only on 22 the very selective cases, like 23 oxymorphone and the generic 25 BY MS. BAIG: 26 Q. I'll have this document 27 marked as Exhibit 6. 28 This document is 29 Bates-stamped ALLERGAN_MDL_00235615 20 through 5616. It's just an e-mail 21 between you and Rachelle Galant and 22 others. 23 Do you see that?		· · · · · · · · · · · · · · · · · · ·		
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17 company started using Kadian sales reps 18 to market generic opioids? 19 MS. VENTURA: Objection to 20 form. 21 THE WITNESS: It was only on 22 the very selective cases, like 23 oxymorphone and the generic 21 marked as Exhibit 6. 28 This document is 29 Bates-stamped ALLERGAN_MDL_00235615 20 through 5616. It's just an e-mail 21 between you and Rachelle Galant and 22 others. 23 Do you see that?				
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19 MS. VENTURA: Objection to 20 form. 21 THE WITNESS: It was only on 22 the very selective cases, like 23 oxymorphone and the generic 21 Do you see that? 22 Do you see that?				
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the very selective cases, like 22 others. oxymorphone and the generic 23 Do you see that?				
23 oxymorphone and the generic 23 Do you see that?		•		
		· · · · · · · · · · · · · · · · · · ·		
2.2 Tudidii. 50, morphino sundio.		on ymorphone and the generic		Do you see that.
,			24	A. Yes.

	Page 117		Page 118
1	Q. And you're asking her to	1	Q. Does that suggest to you
2	lead the call for marketing. Was there a	2	that that is the encouraging feedback
3	regularly scheduled call on Mondays for	3	that you're getting from Kadian sales
4	marketing?	4	reps?
5	A. We had regular calls on	5	MR. MAIER: Objection to
6	Monday.	6	form.
7	Q. And do you see where it's	7	THE WITNESS: So
8	listed oxymorphone ER?	8	oxymorphone, the two strength we
9	A. Yes.	9	launched were discontinued by
10	Q. And it references,	10	brand, and so this is referring to
11	"Encouraging initial feedback from Kadian	11	welcome the generic strength,
12	sales reps."	12	because brand had discontinued.
13	Is that a reference to	13	BY MS. BAIG:
14	receiving encouraging feedback from	14	Q. Do you recall why the brand
15	Kadian sales reps?	15	was discontinued?
16	A. I think it's to to get	16	A. I do not.
17	feedback from the sales team on on	17	Q. You didn't have any
18	their activity.	18	information on that at the time?
19	Q. So if you read, the next	19	A. We had information at the
20	sentence, it says, "Physicians are	20	time. I just do not remember now.
21	receptive and welcome the generic	21	Q. Do you recall whether or not
22	strengths."	22	it was related to abuse potential?
23	Do you see that?	23	MR. MAIER: Objection to
24	A. Yes.	24	form.
	71. 165.	2 1	Iolin.
	Page 119		Page 120
1	MS. VENTURA: Objection to	1	could be it could be company. But
2			
	form.	2	typically it's a product.
3	form. THE WITNESS: I do not know	3	Q. Okay. And how were the sell
3 4	THE WITNESS: I do not know that.		Q. Okay. And how were the sell sheets provided to the customers?
	THE WITNESS: I do not know that. BY MS. BAIG:	3	Q. Okay. And how were the sell sheets provided to the customers? A. Customers were let me put
4	THE WITNESS: I do not know that.	3 4	Q. Okay. And how were the sell sheets provided to the customers?
4 5	THE WITNESS: I do not know that. BY MS. BAIG:	3 4 5	Q. Okay. And how were the sell sheets provided to the customers? A. Customers were let me put it it's our customers are not patients and physicians typically. So
4 5 6	THE WITNESS: I do not know that. BY MS. BAIG: Q. Would Jennifer Altier have	3 4 5 6	Q. Okay. And how were the sell sheets provided to the customers? A. Customers were let me put it it's our customers are not patients and physicians typically. So they are the buyers from the pharmacy or
4 5 6 7	THE WITNESS: I do not know that. BY MS. BAIG: Q. Would Jennifer Altier have been the person that would have trained	3 4 5 6 7	Q. Okay. And how were the sell sheets provided to the customers? A. Customers were let me put it it's our customers are not patients and physicians typically. So
4 5 6 7 8	THE WITNESS: I do not know that. BY MS. BAIG: Q. Would Jennifer Altier have been the person that would have trained the Kadian sales reps with respect to the	3 4 5 6 7 8 9	Q. Okay. And how were the sell sheets provided to the customers? A. Customers were let me put it it's our customers are not patients and physicians typically. So they are the buyers from the pharmacy or the wholesalers. So we could either just e-mail to them, show it to them.
4 5 6 7 8 9	THE WITNESS: I do not know that. BY MS. BAIG: Q. Would Jennifer Altier have been the person that would have trained the Kadian sales reps with respect to the marketing of generic opioids?	3 4 5 6 7 8 9 10	Q. Okay. And how were the sell sheets provided to the customers? A. Customers were let me put it it's our customers are not patients and physicians typically. So they are the buyers from the pharmacy or the wholesalers. So we could either just e-mail to them, show it to them. Typically, it's in those forms, or have a
4 5 6 7 8 9	THE WITNESS: I do not know that. BY MS. BAIG: Q. Would Jennifer Altier have been the person that would have trained the Kadian sales reps with respect to the marketing of generic opioids? MS. VENTURA: Objection to	3 4 5 6 7 8 9 10 11 12	Q. Okay. And how were the sell sheets provided to the customers? A. Customers were let me put it it's our customers are not patients and physicians typically. So they are the buyers from the pharmacy or the wholesalers. So we could either just e-mail to them, show it to them.
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4 5 6 7 8 9 10 11	THE WITNESS: I do not know that. BY MS. BAIG: Q. Would Jennifer Altier have been the person that would have trained the Kadian sales reps with respect to the marketing of generic opioids? MS. VENTURA: Objection to form. THE WITNESS: I don't	3 4 5 6 7 8 9 10 11 12	Q. Okay. And how were the sell sheets provided to the customers? A. Customers were let me put it it's our customers are not patients and physicians typically. So they are the buyers from the pharmacy or the wholesalers. So we could either just e-mail to them, show it to them. Typically, it's in those forms, or have a meeting with them, could leave it to them. (Document marked for
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4 5 6 7 8 9 10 11 12 13 14	THE WITNESS: I do not know that. BY MS. BAIG: Q. Would Jennifer Altier have been the person that would have trained the Kadian sales reps with respect to the marketing of generic opioids? MS. VENTURA: Objection to form. THE WITNESS: I don't remember. BY MS. BAIG:	3 4 5 6 7 8 9 10 11 12 13 14	Q. Okay. And how were the sell sheets provided to the customers? A. Customers were let me put it it's our customers are not patients and physicians typically. So they are the buyers from the pharmacy or the wholesalers. So we could either just e-mail to them, show it to them. Typically, it's in those forms, or have a meeting with them, could leave it to them. (Document marked for
4 5 6 7 8 9 10 11 12 13 14 15	THE WITNESS: I do not know that. BY MS. BAIG: Q. Would Jennifer Altier have been the person that would have trained the Kadian sales reps with respect to the marketing of generic opioids? MS. VENTURA: Objection to form. THE WITNESS: I don't remember. BY MS. BAIG: Q. Did you have something	3 4 5 6 7 8 9 10 11 12 13 14 15	Q. Okay. And how were the sell sheets provided to the customers? A. Customers were let me put it it's our customers are not patients and physicians typically. So they are the buyers from the pharmacy or the wholesalers. So we could either just e-mail to them, show it to them. Typically, it's in those forms, or have a meeting with them, could leave it to them. (Document marked for identification as Exhibit Allergan-McCormick-7.) BY MS. BAIG:
4 5 6 7 8 9 10 11 12 13 14 15	THE WITNESS: I do not know that. BY MS. BAIG: Q. Would Jennifer Altier have been the person that would have trained the Kadian sales reps with respect to the marketing of generic opioids? MS. VENTURA: Objection to form. THE WITNESS: I don't remember. BY MS. BAIG: Q. Did you have something called sell sheets?	3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. Okay. And how were the sell sheets provided to the customers? A. Customers were let me put it it's our customers are not patients and physicians typically. So they are the buyers from the pharmacy or the wholesalers. So we could either just e-mail to them, show it to them. Typically, it's in those forms, or have a meeting with them, could leave it to them. (Document marked for identification as Exhibit Allergan-McCormick-7.) BY MS. BAIG: Q. I'll have this document
4 5 6 7 8 9 10 11 12 13 14 15 16 17	THE WITNESS: I do not know that. BY MS. BAIG: Q. Would Jennifer Altier have been the person that would have trained the Kadian sales reps with respect to the marketing of generic opioids? MS. VENTURA: Objection to form. THE WITNESS: I don't remember. BY MS. BAIG: Q. Did you have something called sell sheets? A. Yes. Q. What are sell sheets? A. It's a typically a	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. Okay. And how were the sell sheets provided to the customers? A. Customers were let me put it it's our customers are not patients and physicians typically. So they are the buyers from the pharmacy or the wholesalers. So we could either just e-mail to them, show it to them. Typically, it's in those forms, or have a meeting with them, could leave it to them. (Document marked for identification as Exhibit Allergan-McCormick-7.) BY MS. BAIG:
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4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	THE WITNESS: I do not know that. BY MS. BAIG: Q. Would Jennifer Altier have been the person that would have trained the Kadian sales reps with respect to the marketing of generic opioids? MS. VENTURA: Objection to form. THE WITNESS: I don't remember. BY MS. BAIG: Q. Did you have something called sell sheets? A. Yes. Q. What are sell sheets? A. It's a typically a	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. Okay. And how were the sell sheets provided to the customers? A. Customers were let me put it it's our customers are not patients and physicians typically. So they are the buyers from the pharmacy or the wholesalers. So we could either just e-mail to them, show it to them. Typically, it's in those forms, or have a meeting with them, could leave it to them. (Document marked for identification as Exhibit Allergan-McCormick-7.) BY MS. BAIG: Q. I'll have this document marked as Exhibit 7. This document has a
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	THE WITNESS: I do not know that. BY MS. BAIG: Q. Would Jennifer Altier have been the person that would have trained the Kadian sales reps with respect to the marketing of generic opioids? MS. VENTURA: Objection to form. THE WITNESS: I don't remember. BY MS. BAIG: Q. Did you have something called sell sheets? A. Yes. Q. What are sell sheets? A. It's a typically a one-page, maybe two, of material that we	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. Okay. And how were the sell sheets provided to the customers? A. Customers were let me put it it's our customers are not patients and physicians typically. So they are the buyers from the pharmacy or the wholesalers. So we could either just e-mail to them, show it to them. Typically, it's in those forms, or have a meeting with them, could leave it to them. (Document marked for identification as Exhibit Allergan-McCormick-7.) BY MS. BAIG: Q. I'll have this document marked as Exhibit 7. This document has a Bates stamp has a Bates stamp of
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	THE WITNESS: I do not know that. BY MS. BAIG: Q. Would Jennifer Altier have been the person that would have trained the Kadian sales reps with respect to the marketing of generic opioids? MS. VENTURA: Objection to form. THE WITNESS: I don't remember. BY MS. BAIG: Q. Did you have something called sell sheets? A. Yes. Q. What are sell sheets? A. It's a typically a one-page, maybe two, of material that we would use with customers.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. Okay. And how were the sell sheets provided to the customers? A. Customers were let me put it it's our customers are not patients and physicians typically. So they are the buyers from the pharmacy or the wholesalers. So we could either just e-mail to them, show it to them. Typically, it's in those forms, or have a meeting with them, could leave it to them. (Document marked for identification as Exhibit Allergan-McCormick-7.) BY MS. BAIG: Q. I'll have this document marked as Exhibit 7. This document has a Bates stamp has a Bates stamp of ALLERGAN_MDL_03998242 through 3998263. And you'll see it begins with an e-mail from you to Lisa Pehlke,
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	THE WITNESS: I do not know that. BY MS. BAIG: Q. Would Jennifer Altier have been the person that would have trained the Kadian sales reps with respect to the marketing of generic opioids? MS. VENTURA: Objection to form. THE WITNESS: I don't remember. BY MS. BAIG: Q. Did you have something called sell sheets? A. Yes. Q. What are sell sheets? A. It's a typically a one-page, maybe two, of material that we would use with customers. Q. Material about specific	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Okay. And how were the sell sheets provided to the customers? A. Customers were let me put it it's our customers are not patients and physicians typically. So they are the buyers from the pharmacy or the wholesalers. So we could either just e-mail to them, show it to them. Typically, it's in those forms, or have a meeting with them, could leave it to them. (Document marked for identification as Exhibit Allergan-McCormick-7.) BY MS. BAIG: Q. I'll have this document marked as Exhibit 7. This document has a Bates stamp has a Bates stamp of ALLERGAN_MDL_03998242 through 3998263. And you'll see it begins

	Page 121		Page 122
1	stating, "Enclosed, please find the	1	Q. Product information begins
2	following information for oxycodone ER	2	on the next page?
3	launch." And this is dated November 10,	3	A. Those are labels. Those are
4	2009.	4	small prints. Those are FDA-approved
5	Do you see that?	5	product label. So all the small
6	A. Yes.	6	prints
7	Q. And the first bullet point	7	Q. The very small print, that's
8	is, "Sell sheet including PI" what's	8	the product information?
9	PI?	9	A. Yeah.
		1	
10	A. Product information.	10	Q. Okay. And then if you turn
11	Q "including product	11	to the page beginning 253, is that still
12	information can be sent to customers."	12	part of the product information or is
13	So is the sell sheet	13	this different?
14	attached here?	14	A. 253? Oh, this is the HDMA
15	A. Yes.	15	form.
16	Q. Which one is the sell sheet?	16	Q. What is an HDMA form?
17	A. The Bates number ending 246.	17	A. It's so the Healthcare
18	Q. Okay. So this was the sell	18	Distribution Management Association,
19	sheet that you were using for the	19	HDMA, requires companies to fill this
20	oxycodone ER launch; is that right?	20	form, standard form for drug distribution
21	A. Yes.	21	for every product you sell. And this is
22	Q. And is this sell sheet	22	used for basically wholesalers and
23	how many pages is the sell sheet?	23	retailers that buy the product.
24	A. One, plus the PI.	24	Q. Did you use pricing and
	Page 123		Page 124
1	incentive programs to try to market	1	generics?
2	generic opioids?	2	MR. MAIER: Objection to
3	MR. MAIER: Object to form.	3	form.
4	THE WITNESS: So generic		
		4	MS. GERMANO: Objection to
5	compete one of the very	5	MS. GERMANO: Objection to form.
5 6			ÿ
	compete one of the very	5	form.
6	compete one of the very important components is to compete	5 6	form. THE WITNESS: In general, I
6 7	compete one of the very important components is to compete on pricing to make the medicine	5 6 7	form. THE WITNESS: In general, I did not.
6 7 8	compete one of the very important components is to compete on pricing to make the medicine affordable to patients.	5 6 7 8	form. THE WITNESS: In general, I did not. BY MS. BAIG:
6 7 8 9	compete one of the very important components is to compete on pricing to make the medicine affordable to patients. BY MS. BAIG: Q. And so in order to do that,	5 6 7 8 9	form. THE WITNESS: In general, I did not. BY MS. BAIG: Q. Are you familiar with
6 7 8 9 10	compete one of the very important components is to compete on pricing to make the medicine affordable to patients. BY MS. BAIG: Q. And so in order to do that, did you implement certain pricing and	5 6 7 8 9	form. THE WITNESS: In general, I did not. BY MS. BAIG: Q. Are you familiar with something called the marketing choice
6 7 8 9 10 11	compete one of the very important components is to compete on pricing to make the medicine affordable to patients. BY MS. BAIG: Q. And so in order to do that, did you implement certain pricing and incentive programs?	5 6 7 8 9 10 11	form. THE WITNESS: In general, I did not. BY MS. BAIG: Q. Are you familiar with something called the marketing choice program? A. No, I'm not.
6 7 8 9 10 11 12 13	compete one of the very important components is to compete on pricing to make the medicine affordable to patients. BY MS. BAIG: Q. And so in order to do that, did you implement certain pricing and incentive programs? A. This pricing incentive is	5 6 7 8 9 10 11 12 13	form. THE WITNESS: In general, I did not. BY MS. BAIG: Q. Are you familiar with something called the marketing choice program? A. No, I'm not. Q. Are you familiar with the
6 7 8 9 10 11 12 13 14	compete one of the very important components is to compete on pricing to make the medicine affordable to patients. BY MS. BAIG: Q. And so in order to do that, did you implement certain pricing and incentive programs? A. This pricing incentive is built into the product offer, to our	5 6 7 8 9 10 11 12 13 14	form. THE WITNESS: In general, I did not. BY MS. BAIG: Q. Are you familiar with something called the marketing choice program? A. No, I'm not. Q. Are you familiar with the term "customer connectivity program"?
6 7 8 9 10 11 12 13 14 15	compete one of the very important components is to compete on pricing to make the medicine affordable to patients. BY MS. BAIG: Q. And so in order to do that, did you implement certain pricing and incentive programs? A. This pricing incentive is built into the product offer, to our customers. It's also built into the	5 6 7 8 9 10 11 12 13 14 15	form. THE WITNESS: In general, I did not. BY MS. BAIG: Q. Are you familiar with something called the marketing choice program? A. No, I'm not. Q. Are you familiar with the term "customer connectivity program"? A. I don't remember.
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6 7 8 9 10 11 12 13 14 15 16 17	compete one of the very important components is to compete on pricing to make the medicine affordable to patients. BY MS. BAIG: Q. And so in order to do that, did you implement certain pricing and incentive programs? A. This pricing incentive is built into the product offer, to our customers. It's also built into the master agreement. Q. Were you involved in	5 6 7 8 9 10 11 12 13 14 15 16 17	form. THE WITNESS: In general, I did not. BY MS. BAIG: Q. Are you familiar with something called the marketing choice program? A. No, I'm not. Q. Are you familiar with the term "customer connectivity program"? A. I don't remember. Q. In terms of the rebates that were offered to certain of your
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6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	compete one of the very important components is to compete on pricing to make the medicine affordable to patients. BY MS. BAIG: Q. And so in order to do that, did you implement certain pricing and incentive programs? A. This pricing incentive is built into the product offer, to our customers. It's also built into the master agreement. Q. Were you involved in developing pricing and incentive programs or was that a different department? A. Contract and sales are more	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	form. THE WITNESS: In general, I did not. BY MS. BAIG: Q. Are you familiar with something called the marketing choice program? A. No, I'm not. Q. Are you familiar with the term "customer connectivity program"? A. I don't remember. Q. In terms of the rebates that were offered to certain of your customers, were you involved in determining what they should be or where they should be set?
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	compete one of the very important components is to compete on pricing to make the medicine affordable to patients. BY MS. BAIG: Q. And so in order to do that, did you implement certain pricing and incentive programs? A. This pricing incentive is built into the product offer, to our customers. It's also built into the master agreement. Q. Were you involved in developing pricing and incentive programs or was that a different department? A. Contract and sales are more involved with setting up the contract.	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	form. THE WITNESS: In general, I did not. BY MS. BAIG: Q. Are you familiar with something called the marketing choice program? A. No, I'm not. Q. Are you familiar with the term "customer connectivity program"? A. I don't remember. Q. In terms of the rebates that were offered to certain of your customers, were you involved in determining what they should be or where they should be set? A. Typically not.
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	compete one of the very important components is to compete on pricing to make the medicine affordable to patients. BY MS. BAIG: Q. And so in order to do that, did you implement certain pricing and incentive programs? A. This pricing incentive is built into the product offer, to our customers. It's also built into the master agreement. Q. Were you involved in developing pricing and incentive programs or was that a different department? A. Contract and sales are more involved with setting up the contract. Q. So you didn't have any	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	form. THE WITNESS: In general, I did not. BY MS. BAIG: Q. Are you familiar with something called the marketing choice program? A. No, I'm not. Q. Are you familiar with the term "customer connectivity program"? A. I don't remember. Q. In terms of the rebates that were offered to certain of your customers, were you involved in determining what they should be or where they should be set? A. Typically not. Q. Can you remember any
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6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	compete one of the very important components is to compete on pricing to make the medicine affordable to patients. BY MS. BAIG: Q. And so in order to do that, did you implement certain pricing and incentive programs? A. This pricing incentive is built into the product offer, to our customers. It's also built into the master agreement. Q. Were you involved in developing pricing and incentive programs or was that a different department? A. Contract and sales are more involved with setting up the contract. Q. So you didn't have any	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	form. THE WITNESS: In general, I did not. BY MS. BAIG: Q. Are you familiar with something called the marketing choice program? A. No, I'm not. Q. Are you familiar with the term "customer connectivity program"? A. I don't remember. Q. In terms of the rebates that were offered to certain of your customers, were you involved in determining what they should be or where they should be set? A. Typically not. Q. Can you remember any

	Page 125		Page 126
1	A. So products typically were	1	of that right now?
2	sold falling under the master agreement.	2	A. I don't.
3	And price is specific. But the agreement	3	Q. Other than the advertising
4	was not product specific.	4	agencies that you referenced earlier, are
5	Q. Do you recall whether there	5	there any other entities that you worked
6	were product specific rebates that were	6	with in order to market or promote
7	offered?	7	generic opioids?
8	A. You could have	8	MR. MAIER: Objection to
9	product-specific rebate and during the	9	form.
10	time that a product was offered to our	10	THE WITNESS: I don't
11	customers.	11	remember working with anyone other
12	Q. Were you involved in	12	than the one we mentioned earlier,
13	developing that	13	and then the the one following
14	A. I was not.	14	that agent.
15	Q or was that outside of	15	BY MS. BAIG:
16	your	16	Q. Do you recall whether or not
17	A. That was outside of my	17	Actavis was paying marketing fees to
18	responsibility.	18	customers?
19	Q. Okay. So you don't have any	19	MS. VENTURA: Objection to
20	knowledge of the rebate percentages that	20	form.
21	would have been used for various opioid	21	THE WITNESS: If there was
22	products; is that right?	22	specific marketing programs set up
23	A. I did not.	23	with the customers, that could be
24	Q. You don't have any knowledge	24	a fee. But in general, we don't
	, ,		,
	Page 127		Page 128
1	pay specific we don't pay	1	MR. MAIER: Objection to
2	marketing fees to customers.		ž .
3	111111111111111111111111111111111111111	1 2	form
	BY MS. BAIG:	2 3	form. BY MS_BAIG [.]
	BY MS. BAIG: O. So what's the example.	3	BY MS. BAIG:
4	Q. So what's the example,	3 4	BY MS. BAIG: Q. Where would I find that
4 5	Q. So what's the example, what's an example of a specific marketing	3 4 5	BY MS. BAIG: Q. Where would I find that language?
4 5 6	Q. So what's the example, what's an example of a specific marketing program that could be set up with	3 4 5 6	BY MS. BAIG: Q. Where would I find that language? A. That would be a separate
4 5 6 7	Q. So what's the example, what's an example of a specific marketing program that could be set up with customers?	3 4 5 6 7	BY MS. BAIG: Q. Where would I find that language? A. That would be a separate agreement. And so the agreement
4 5 6 7 8	Q. So what's the example, what's an example of a specific marketing program that could be set up with customers? A. So if we ask McKesson to	3 4 5 6 7 8	BY MS. BAIG: Q. Where would I find that language? A. That would be a separate agreement. And so the agreement between Actavis and all their customers
4 5 6 7 8 9	Q. So what's the example, what's an example of a specific marketing program that could be set up with customers? A. So if we ask McKesson to promote a product, there will be specific	3 4 5 6 7 8	BY MS. BAIG: Q. Where would I find that language? A. That would be a separate agreement. And so the agreement between Actavis and all their customers have a master agreement.
4 5 6 7 8 9	Q. So what's the example, what's an example of a specific marketing program that could be set up with customers? A. So if we ask McKesson to promote a product, there will be specific program fees for the for that	3 4 5 6 7 8 9	BY MS. BAIG: Q. Where would I find that language? A. That would be a separate agreement. And so the agreement between Actavis and all their customers have a master agreement. Q. So there would be one master
4 5 6 7 8 9 10	Q. So what's the example, what's an example of a specific marketing program that could be set up with customers? A. So if we ask McKesson to promote a product, there will be specific program fees for the for that product for that product and project.	3 4 5 6 7 8 9 10	BY MS. BAIG: Q. Where would I find that language? A. That would be a separate agreement. And so the agreement between Actavis and all their customers have a master agreement. Q. So there would be one master agreement and then there would be a
4 5 6 7 8 9 10 11	Q. So what's the example, what's an example of a specific marketing program that could be set up with customers? A. So if we ask McKesson to promote a product, there will be specific program fees for the for that product for that product and project. So that would be separate approval and	3 4 5 6 7 8 9 10 11 12	BY MS. BAIG: Q. Where would I find that language? A. That would be a separate agreement. And so the agreement between Actavis and all their customers have a master agreement. Q. So there would be one master agreement and then there would be a separate marketing agreement if one
4 5 6 7 8 9 10 11 12 13	Q. So what's the example, what's an example of a specific marketing program that could be set up with customers? A. So if we ask McKesson to promote a product, there will be specific program fees for the for that product for that product and project. So that would be separate approval and Q. Separate approval from whom?	3 4 5 6 7 8 9 10 11 12 13	BY MS. BAIG: Q. Where would I find that language? A. That would be a separate agreement. And so the agreement between Actavis and all their customers have a master agreement. Q. So there would be one master agreement and then there would be a separate marketing agreement if one existed; is that right?
4 5 6 7 8 9 10 11 12 13 14	Q. So what's the example, what's an example of a specific marketing program that could be set up with customers? A. So if we ask McKesson to promote a product, there will be specific program fees for the for that product for that product and project. So that would be separate approval and Q. Separate approval from whom? A. Separate fees, separate	3 4 5 6 7 8 9 10 11 12 13 14	BY MS. BAIG: Q. Where would I find that language? A. That would be a separate agreement. And so the agreement between Actavis and all their customers have a master agreement. Q. So there would be one master agreement and then there would be a separate marketing agreement if one existed; is that right? A. Yes.
4 5 6 7 8 9 10 11 12 13 14 15	Q. So what's the example, what's an example of a specific marketing program that could be set up with customers? A. So if we ask McKesson to promote a product, there will be specific program fees for the for that product for that product and project. So that would be separate approval and Q. Separate approval from whom? A. Separate fees, separate approval from from both the McKesson	3 4 5 6 7 8 9 10 11 12 13 14 15	BY MS. BAIG: Q. Where would I find that language? A. That would be a separate agreement. And so the agreement between Actavis and all their customers have a master agreement. Q. So there would be one master agreement and then there would be a separate marketing agreement if one existed; is that right? A. Yes. Q. Okay. And do you recall any
4 5 6 7 8 9 10 11 12 13 14 15 16	Q. So what's the example, what's an example of a specific marketing program that could be set up with customers? A. So if we ask McKesson to promote a product, there will be specific program fees for the for that product for that product and project. So that would be separate approval and Q. Separate approval from whom? A. Separate fees, separate approval from from both the McKesson side and from the Actavis side.	3 4 5 6 7 8 9 10 11 12 13 14 15 16	BY MS. BAIG: Q. Where would I find that language? A. That would be a separate agreement. And so the agreement between Actavis and all their customers have a master agreement. Q. So there would be one master agreement and then there would be a separate marketing agreement if one existed; is that right? A. Yes. Q. Okay. And do you recall any such agreements with any customers?
4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. So what's the example, what's an example of a specific marketing program that could be set up with customers? A. So if we ask McKesson to promote a product, there will be specific program fees for the for that product for that product and project. So that would be separate approval and Q. Separate approval from whom? A. Separate fees, separate approval from from both the McKesson side and from the Actavis side. Q. And if you ask McKesson to	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	BY MS. BAIG: Q. Where would I find that language? A. That would be a separate agreement. And so the agreement between Actavis and all their customers have a master agreement. Q. So there would be one master agreement and then there would be a separate marketing agreement if one existed; is that right? A. Yes. Q. Okay. And do you recall any such agreements with any customers? A. We have used occasionally
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. So what's the example, what's an example of a specific marketing program that could be set up with customers? A. So if we ask McKesson to promote a product, there will be specific program fees for the for that product for that product and project. So that would be separate approval and Q. Separate approval from whom? A. Separate fees, separate approval from from both the McKesson side and from the Actavis side. Q. And if you ask McKesson to promote a product, would that be	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	BY MS. BAIG: Q. Where would I find that language? A. That would be a separate agreement. And so the agreement between Actavis and all their customers have a master agreement. Q. So there would be one master agreement and then there would be a separate marketing agreement if one existed; is that right? A. Yes. Q. Okay. And do you recall any such agreements with any customers? A. We have used occasionally used wholesalers to promote the product,
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. So what's the example, what's an example of a specific marketing program that could be set up with customers? A. So if we ask McKesson to promote a product, there will be specific program fees for the for that product for that product and project. So that would be separate approval and Q. Separate approval from whom? A. Separate fees, separate approval from from both the McKesson side and from the Actavis side. Q. And if you ask McKesson to promote a product, would that be reflected in the product agreement with	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	BY MS. BAIG: Q. Where would I find that language? A. That would be a separate agreement. And so the agreement between Actavis and all their customers have a master agreement. Q. So there would be one master agreement and then there would be a separate marketing agreement if one existed; is that right? A. Yes. Q. Okay. And do you recall any such agreements with any customers? A. We have used occasionally used wholesalers to promote the product, really in the way to make it aware,
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. So what's the example, what's an example of a specific marketing program that could be set up with customers? A. So if we ask McKesson to promote a product, there will be specific program fees for the for that product for that product and project. So that would be separate approval and Q. Separate approval from whom? A. Separate fees, separate approval from from both the McKesson side and from the Actavis side. Q. And if you ask McKesson to promote a product, would that be reflected in the product agreement with McKesson or what agreement would that	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	BY MS. BAIG: Q. Where would I find that language? A. That would be a separate agreement. And so the agreement between Actavis and all their customers have a master agreement. Q. So there would be one master agreement and then there would be a separate marketing agreement if one existed; is that right? A. Yes. Q. Okay. And do you recall any such agreements with any customers? A. We have used occasionally used wholesalers to promote the product, really in the way to make it aware, really it's about awareness that the
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. So what's the example, what's an example of a specific marketing program that could be set up with customers? A. So if we ask McKesson to promote a product, there will be specific program fees for the for that product for that product and project. So that would be separate approval and Q. Separate approval from whom? A. Separate fees, separate approval from from both the McKesson side and from the Actavis side. Q. And if you ask McKesson to promote a product, would that be reflected in the product agreement with McKesson or what agreement would that be a separate standalone promotional	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	BY MS. BAIG: Q. Where would I find that language? A. That would be a separate agreement. And so the agreement between Actavis and all their customers have a master agreement. Q. So there would be one master agreement and then there would be a separate marketing agreement if one existed; is that right? A. Yes. Q. Okay. And do you recall any such agreements with any customers? A. We have used occasionally used wholesalers to promote the product, really in the way to make it aware, really it's about awareness that the generic product became available.
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. So what's the example, what's an example of a specific marketing program that could be set up with customers? A. So if we ask McKesson to promote a product, there will be specific program fees for the for that product for that product and project. So that would be separate approval and Q. Separate approval from whom? A. Separate fees, separate approval from from both the McKesson side and from the Actavis side. Q. And if you ask McKesson to promote a product, would that be reflected in the product agreement with McKesson or what agreement would that be a separate standalone promotional agreement with McKesson?	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	BY MS. BAIG: Q. Where would I find that language? A. That would be a separate agreement. And so the agreement between Actavis and all their customers have a master agreement. Q. So there would be one master agreement and then there would be a separate marketing agreement if one existed; is that right? A. Yes. Q. Okay. And do you recall any such agreements with any customers? A. We have used occasionally used wholesalers to promote the product, really in the way to make it aware, really it's about awareness that the generic product became available. Q. So when you use wholesalers
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. So what's the example, what's an example of a specific marketing program that could be set up with customers? A. So if we ask McKesson to promote a product, there will be specific program fees for the for that product for that product and project. So that would be separate approval and Q. Separate approval from whom? A. Separate fees, separate approval from from both the McKesson side and from the Actavis side. Q. And if you ask McKesson to promote a product, would that be reflected in the product agreement with McKesson or what agreement would that be a separate standalone promotional agreement with McKesson? MR. KNAPP: Objection to	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	BY MS. BAIG: Q. Where would I find that language? A. That would be a separate agreement. And so the agreement between Actavis and all their customers have a master agreement. Q. So there would be one master agreement and then there would be a separate marketing agreement if one existed; is that right? A. Yes. Q. Okay. And do you recall any such agreements with any customers? A. We have used occasionally used wholesalers to promote the product, really in the way to make it aware, really it's about awareness that the generic product became available. Q. So when you use wholesalers to market the product, do you review the
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. So what's the example, what's an example of a specific marketing program that could be set up with customers? A. So if we ask McKesson to promote a product, there will be specific program fees for the for that product for that product and project. So that would be separate approval and Q. Separate approval from whom? A. Separate fees, separate approval from from both the McKesson side and from the Actavis side. Q. And if you ask McKesson to promote a product, would that be reflected in the product agreement with McKesson or what agreement would that be a separate standalone promotional agreement with McKesson?	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	BY MS. BAIG: Q. Where would I find that language? A. That would be a separate agreement. And so the agreement between Actavis and all their customers have a master agreement. Q. So there would be one master agreement and then there would be a separate marketing agreement if one existed; is that right? A. Yes. Q. Okay. And do you recall any such agreements with any customers? A. We have used occasionally used wholesalers to promote the product, really in the way to make it aware, really it's about awareness that the generic product became available. Q. So when you use wholesalers

	Page 129		Page 130
1	they use them?	1	incentive programs to try to market
2	MR. MAIER: Object to form.	2	generic opioids?
3	THE WITNESS: I did not	3	MR. MAIER: Objection to
4	review the their material.	4	form.
5	BY MS. BAIG:	5	MS. GERMANO: Objection to
6	Q. Do you recall a program	6	form.
7	being set up with McKesson to that	7	THE WITNESS: We use volume
8	effect?	8	incentive program to grow the
9	MR. BAILEY: Objection to	9	business with a customer, not a
10	form.	10	specific product.
11	THE WITNESS: I remember	11	So it's for the entire
12	one, mixed amphetamine salts. We	12	basket of product with the
13	set up a program with McKesson so	13	customers and not a product
14	they could reach out to their	14	specific volume incentive rebate.
15	pharmacies to make it aware that	15	BY MS. BAIG:
16	our our product was available,	16	Q. Okay. But you would use
17	you know, as one example, I	17	volume incentive programs for a basket of
18	remember.	18	products that included opioid products,
19	BY MS. BAIG:	19	correct?
20		20	
	Q. Do you recall any others?	21	MS. VENTURA: Objection to
21	A. Not specifics.	22	form, foundation. THE WITNESS: So the basket
22	Q. Generally?		
23	A. Not at this point.	23	typically is not specific to any
24	Q. Do you recall using volume	24	product. It could include
	Page 131		Page 132
1	basically the entire portfolio of	1	to your larger customers?
2	Actavis product with the objective	2	A. No.
3	of growing the business with a	3	Q. Are they primarily like
4	particular customer.	4	which customers would would be offered
5	BY MS. BAIG:	5	the volume incentive programs?
6	Q. You mean the basket is not	6	A. It's it could be a
7	specific to the product or the volume	7	mixture of both small and large.
8	incentive is not specific to the product?	8	Q. What goes into that
9	A. So the volume incentive is	9	analysis?
10	not specific to do product. So all of	10	A. So the analysis is what the
11	the Actavis product are included in the	11	customer's value in terms of their
12	basket.	12	business operation. Some prefer a volume
13	Q. Including the generic	13	incentive program. Others would just
14	opioids, correct?	14	prefer a low net price.
15	A. Including all of the	15	So it is catering to, you
16	product.	16	know, different strategies for different
17	Q. Do you remember what those	17	customers.
18	volume incentive programs looked like?	18	Q. Did you do trade shows as
19	A. Some of them. Each	19	part of your work at Actavis and
20	product so each customers may have	20	Alpharma, did you attend trade shows?
21	different volume incentive program,	21	A. Yes, I did.
22	different variation. And not all	22	Q. What type of trade shows?
23	customers have volume incentive program.	23	A. So there are lots there
24	Q. Are they primarily offered	24	were lots of trade shows. Typically
4	Q. Are mey primarily offered	4	were fore of frace shows. Typically

Page 133 Page 134 1 wholesaler conduct trade shows. Like A. Depends on the shows. 1 2 Amerisource, Cardinal, McKesson, all had 2 Typically we do, except ECRM which has just meeting rooms, no booths. 3 their own trade shows. And so I attended 3 4 some of those throughout the years. 4 Q. And if you had a booth at a 5 5 trade show, would you hand out materials There were meetings and they're -- they might be referred as at the trade show? 6 6 7 trade shows. But there were meetings 7 A. Depends on the -- the show 8 like NACDS, or ECRM and HDMA 8 itself. At NACDS really there were just one-on-one meetings with customers. We 9 conference -- conferences. 9 could potentially give them a sell sheet 10 Q. What is ECRM? 10 A. It -- I don't remember like this, or any of them. 11 11 Typically we don't have much 12 exactly the acronym. Efficient --12 efficient collaborative marketing. 13 of material to hand out. 13 Something to that effect. 14 O. Were the sizzle slides 14 15 Q. And you would attend these 15 sometimes handed out at the trade shows? trade shows for the purpose of building A. Actually not, most of the 16 16 17 relationships with your customers? 17 time not. A. Yes. To also understand the 18 18 Q. They were never handed out customers' perspective. 19 at trade shows? 19 20 Q. And your competitors would 20 A. So the sizzle slides were 21 attend as well? 21 only presented to customers on a one-on-one basis. We could have e-mailed 22 A. Yes. 22 them, but we would not just hand out to 23 Q. And would you have booths at 23 24 the trade shows? 24 anyone who walked by. Page 135 Page 136 Q. But if you were at a trade 1 1 (Document marked for 2 show in which you were meeting with the identification as Exhibit 2 3 customers one-on-one, would you hand out 3 Allergan-McCormick-8.) 4 the sizzle slides there? BY MS. BAIG: 4 5 A. We could. We -- we would 5 Q. I'll have this document 6 show them or talk to it, yes. 6 marked as Exhibit 8. 7 7 Q. And who was responsible for In addition to volume 8 preparing the materials that were used at 8 incentives, did you offer other types of 9 the trade shows? 9 incentives to stores in order to promote A. Depends on the material. generic opioids? 10 10 The marketing group typically worked on MR. MAIER: Object to form. 11 11 the sales presentations, as well as the THE WITNESS: I'm just 12 12 13 sizzle slides. And so my group would be 13 reading through the material that responsible for preparing the material. 14 you provided here. 14 O. And what were the sales BY MS. BAIG: 15 15 Q. Okay. So in addition to 16 presentations? 16 A. Best business review. It volume incentives, did you offer other 17 17 typically has company update, business types of incentives to stores in order to 18 18 19 review specific to the customer we were promote generic opioids? 19 meeting. And maybe pipeline of product MR. MAIER: Object to form. 20 20 21 and how to grow the business, as well as 21 THE WITNESS: As I'm reading through these e-mails, so this is maybe some open discussion points, issues 22 22 23 that the sales team wanted to address more of a stocking program because 23 24 with that specific customer. 24 the oxy ER -- sorry, oxymorphone

	Page 137		Page 138
1	ER was discontinued by the brand.	1	A. This is a proposal
2	BY MS. BAIG:	2	discussion, yes.
3	Q. Okay. Do you see that so	3	Q. That's the heading of the
4	this is an e-mail that is did I put	4	discussion, right?
5	the Bates stamp number? That's	5	A. Mm-hmm.
6	Bates-stamped ACTAVIS 0623776 through	6	Q. Okay. And you're writing
7	781.	7	here, "I agree, if we provide incentive
8	And do you see the subject	8	to stores, say \$25 for first bottle,
9	of the e-mail is "McKesson marketing	9	that's \$12,500 and an additional \$10 to
10	opportunities, Actavis oxymorphone ER."	10	McKesson for the first bottle order which
11	Do you see that?	11	is \$5,000. This way we can put product
12	A. Yes.	12	at 500 stores."
13	Q. Okay. And this is written	13	Is this an example of an
14	from you, correct?	14	incentive that would be offered to stores
15	A. I replied to Ara's e-mail.	15	in order to promote generic sales?
16	Yes.	16	MR. MAIER: Object to form.
17	Q. And it's sent at least	17	THE WITNESS: This is, I
18	the first e-mail string is sent from you	18	think, the only time I remember we
19	and dated August 19, 2011, correct?	19	did this to with McKesson to
20	A. Yes.	20	promote the product to really
21	Q. All right. So it's a	21	to get the stock, initial stock at
22	discussion about McKesson marketing	22	the store.
23	opportunities for Actavis oxymorphone ER;	23	BY MS. BAIG:
24	is that right?	24	Q. This is the only one that
	Page 139	_	Page 140
1	you remember as you sit here right now?	1	Q. Like a chargeback?
2	A. This is the only one that I	2	A. No.
3	can remember right now.	3	Q. Something different?
4	Q. Okay. And when you're		•
_		4	A. It's, just from logistic
5	offering \$25 for first bottle, is that a	5	A. It's, just from logistic point of view, you could also give
6	offering \$25 for first bottle, is that a discount that you're offering?	5 6	A. It's, just from logistic point of view, you could also give them just give them credit, for
6 7	offering \$25 for first bottle, is that a discount that you're offering? MR. BAILEY: Objection to	5 6 7	A. It's, just from logistic point of view, you could also give them just give them credit, for example.
6 7 8	offering \$25 for first bottle, is that a discount that you're offering? MR. BAILEY: Objection to form.	5 6 7 8	A. It's, just from logistic point of view, you could also give them just give them credit, for example. Q. And what would that be
6 7 8 9	offering \$25 for first bottle, is that a discount that you're offering? MR. BAILEY: Objection to form. THE WITNESS: I don't	5 6 7 8 9	A. It's, just from logistic point of view, you could also give them just give them credit, for example. Q. And what would that be called if it was given as credit? Is it
6 7 8 9 10	offering \$25 for first bottle, is that a discount that you're offering? MR. BAILEY: Objection to form. THE WITNESS: I don't remember exactly what form it	5 6 7 8 9	A. It's, just from logistic point of view, you could also give them just give them credit, for example. Q. And what would that be called if it was given as credit? Is it called a coupon or a rebate or a
6 7 8 9 10 11	offering \$25 for first bottle, is that a discount that you're offering? MR. BAILEY: Objection to form. THE WITNESS: I don't remember exactly what form it took. It could be discount or	5 6 7 8 9 10 11	A. It's, just from logistic point of view, you could also give them just give them credit, for example. Q. And what would that be called if it was given as credit? Is it called a coupon or a rebate or a chargeback, or what it's called?
6 7 8 9 10 11	offering \$25 for first bottle, is that a discount that you're offering? MR. BAILEY: Objection to form. THE WITNESS: I don't remember exactly what form it took. It could be discount or effectively discount.	5 6 7 8 9 10 11 12	A. It's, just from logistic point of view, you could also give them just give them credit, for example. Q. And what would that be called if it was given as credit? Is it called a coupon or a rebate or a chargeback, or what it's called? A. It wouldn't be called a
6 7 8 9 10 11 12 13	offering \$25 for first bottle, is that a discount that you're offering? MR. BAILEY: Objection to form. THE WITNESS: I don't remember exactly what form it took. It could be discount or effectively discount. BY MS. BAIG:	5 6 7 8 9 10 11 12 13	A. It's, just from logistic point of view, you could also give them just give them credit, for example. Q. And what would that be called if it was given as credit? Is it called a coupon or a rebate or a chargeback, or what it's called? A. It wouldn't be called a coupon. It wouldn't be called a
6 7 8 9 10 11 12 13 14	offering \$25 for first bottle, is that a discount that you're offering? MR. BAILEY: Objection to form. THE WITNESS: I don't remember exactly what form it took. It could be discount or effectively discount. BY MS. BAIG: Q. What do you mean	5 6 7 8 9 10 11 12 13 14	A. It's, just from logistic point of view, you could also give them just give them credit, for example. Q. And what would that be called if it was given as credit? Is it called a coupon or a rebate or a chargeback, or what it's called? A. It wouldn't be called a coupon. It wouldn't be called a chargeback. It would either be off
6 7 8 9 10 11 12 13 14 15	offering \$25 for first bottle, is that a discount that you're offering? MR. BAILEY: Objection to form. THE WITNESS: I don't remember exactly what form it took. It could be discount or effectively discount. BY MS. BAIG: Q. What do you mean "effectively discount"? Do you mean like	5 6 7 8 9 10 11 12 13 14	A. It's, just from logistic point of view, you could also give them just give them credit, for example. Q. And what would that be called if it was given as credit? Is it called a coupon or a rebate or a chargeback, or what it's called? A. It wouldn't be called a coupon. It wouldn't be called a chargeback. It would either be off invoice or a credit.
6 7 8 9 10 11 12 13 14 15	offering \$25 for first bottle, is that a discount that you're offering? MR. BAILEY: Objection to form. THE WITNESS: I don't remember exactly what form it took. It could be discount or effectively discount. BY MS. BAIG: Q. What do you mean "effectively discount"? Do you mean like a rebate?	5 6 7 8 9 10 11 12 13 14 15 16	A. It's, just from logistic point of view, you could also give them just give them credit, for example. Q. And what would that be called if it was given as credit? Is it called a coupon or a rebate or a chargeback, or what it's called? A. It wouldn't be called a coupon. It wouldn't be called a chargeback. It would either be off invoice or a credit. Q. Okay. And do you see a
6 7 8 9 10 11 12 13 14 15 16	offering \$25 for first bottle, is that a discount that you're offering? MR. BAILEY: Objection to form. THE WITNESS: I don't remember exactly what form it took. It could be discount or effectively discount. BY MS. BAIG: Q. What do you mean "effectively discount"? Do you mean like a rebate? A. We so it could take on	5 6 7 8 9 10 11 12 13 14 15 16 17	A. It's, just from logistic point of view, you could also give them just give them credit, for example. Q. And what would that be called if it was given as credit? Is it called a coupon or a rebate or a chargeback, or what it's called? A. It wouldn't be called a coupon. It wouldn't be called a chargeback. It would either be off invoice or a credit. Q. Okay. And do you see a little further down, there's an e-mail
6 7 8 9 10 11 12 13 14 15 16 17	offering \$25 for first bottle, is that a discount that you're offering? MR. BAILEY: Objection to form. THE WITNESS: I don't remember exactly what form it took. It could be discount or effectively discount. BY MS. BAIG: Q. What do you mean "effectively discount"? Do you mean like a rebate? A. We so it could take on different form. It could be just a	5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. It's, just from logistic point of view, you could also give them just give them credit, for example. Q. And what would that be called if it was given as credit? Is it called a coupon or a rebate or a chargeback, or what it's called? A. It wouldn't be called a coupon. It wouldn't be called a chargeback. It would either be off invoice or a credit. Q. Okay. And do you see a little further down, there's an e-mail from Ara to you and Mike Perfetto and it
6 7 8 9 10 11 12 13 14 15 16 17 18	offering \$25 for first bottle, is that a discount that you're offering? MR. BAILEY: Objection to form. THE WITNESS: I don't remember exactly what form it took. It could be discount or effectively discount. BY MS. BAIG: Q. What do you mean "effectively discount"? Do you mean like a rebate? A. We so it could take on different form. It could be just a reduction in the price, or initial order	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A. It's, just from logistic point of view, you could also give them just give them credit, for example. Q. And what would that be called if it was given as credit? Is it called a coupon or a rebate or a chargeback, or what it's called? A. It wouldn't be called a coupon. It wouldn't be called a chargeback. It would either be off invoice or a credit. Q. Okay. And do you see a little further down, there's an e-mail from Ara to you and Mike Perfetto and it says, "Think we are on the same page.
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	offering \$25 for first bottle, is that a discount that you're offering? MR. BAILEY: Objection to form. THE WITNESS: I don't remember exactly what form it took. It could be discount or effectively discount. BY MS. BAIG: Q. What do you mean "effectively discount"? Do you mean like a rebate? A. We so it could take on different form. It could be just a reduction in the price, or initial order discount.	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. It's, just from logistic point of view, you could also give them just give them credit, for example. Q. And what would that be called if it was given as credit? Is it called a coupon or a rebate or a chargeback, or what it's called? A. It wouldn't be called a coupon. It wouldn't be called a chargeback. It would either be off invoice or a credit. Q. Okay. And do you see a little further down, there's an e-mail from Ara to you and Mike Perfetto and it says, "Think we are on the same page. Like the limited focus of calls to only
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	offering \$25 for first bottle, is that a discount that you're offering? MR. BAILEY: Objection to form. THE WITNESS: I don't remember exactly what form it took. It could be discount or effectively discount. BY MS. BAIG: Q. What do you mean "effectively discount"? Do you mean like a rebate? A. We so it could take on different form. It could be just a reduction in the price, or initial order discount. Q. What other forms could it	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. It's, just from logistic point of view, you could also give them just give them credit, for example. Q. And what would that be called if it was given as credit? Is it called a coupon or a rebate or a chargeback, or what it's called? A. It wouldn't be called a coupon. It wouldn't be called a chargeback. It would either be off invoice or a credit. Q. Okay. And do you see a little further down, there's an e-mail from Ara to you and Mike Perfetto and it says, "Think we are on the same page. Like the limited focus of calls to only those stores that have purchased brand in
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	offering \$25 for first bottle, is that a discount that you're offering? MR. BAILEY: Objection to form. THE WITNESS: I don't remember exactly what form it took. It could be discount or effectively discount. BY MS. BAIG: Q. What do you mean "effectively discount"? Do you mean like a rebate? A. We so it could take on different form. It could be just a reduction in the price, or initial order discount. Q. What other forms could it take?	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. It's, just from logistic point of view, you could also give them just give them credit, for example. Q. And what would that be called if it was given as credit? Is it called a coupon or a rebate or a chargeback, or what it's called? A. It wouldn't be called a coupon. It wouldn't be called a chargeback. It would either be off invoice or a credit. Q. Okay. And do you see a little further down, there's an e-mail from Ara to you and Mike Perfetto and it says, "Think we are on the same page. Like the limited focus of calls to only those stores that have purchased brand in the past nine months (or do we refine to
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	offering \$25 for first bottle, is that a discount that you're offering? MR. BAILEY: Objection to form. THE WITNESS: I don't remember exactly what form it took. It could be discount or effectively discount. BY MS. BAIG: Q. What do you mean "effectively discount"? Do you mean like a rebate? A. We so it could take on different form. It could be just a reduction in the price, or initial order discount. Q. What other forms could it take? A. We could give a total back	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. It's, just from logistic point of view, you could also give them just give them credit, for example. Q. And what would that be called if it was given as credit? Is it called a coupon or a rebate or a chargeback, or what it's called? A. It wouldn't be called a coupon. It wouldn't be called a chargeback. It would either be off invoice or a credit. Q. Okay. And do you see a little further down, there's an e-mail from Ara to you and Mike Perfetto and it says, "Think we are on the same page. Like the limited focus of calls to only those stores that have purchased brand in the past nine months (or do we refine to six months?) Let's ratchet it down with
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	offering \$25 for first bottle, is that a discount that you're offering? MR. BAILEY: Objection to form. THE WITNESS: I don't remember exactly what form it took. It could be discount or effectively discount. BY MS. BAIG: Q. What do you mean "effectively discount"? Do you mean like a rebate? A. We so it could take on different form. It could be just a reduction in the price, or initial order discount. Q. What other forms could it take?	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. It's, just from logistic point of view, you could also give them just give them credit, for example. Q. And what would that be called if it was given as credit? Is it called a coupon or a rebate or a chargeback, or what it's called? A. It wouldn't be called a coupon. It wouldn't be called a chargeback. It would either be off invoice or a credit. Q. Okay. And do you see a little further down, there's an e-mail from Ara to you and Mike Perfetto and it says, "Think we are on the same page. Like the limited focus of calls to only those stores that have purchased brand in the past nine months (or do we refine to

	Page 141		Page 142
1	potentially give them an opportunity to	1	product; is that right?
2	earn five times or six times the number	2	MR. BAILEY: Object to form.
3	(25K to 30K) based on providing proof of	3	THE WITNESS: It's for the
4	store stocking in a period of 30 days.	4	stocking the store.
5	With the 25K to 30K, we should get some	5	BY MS. BAIG:
6	to the retailer to incentivize them to	6	Q. And it says here, "And
7	order and fast."	7	potentially give them an opportunity to
8	Do you see that?	8	earn five times or six times the number."
9	A. Yes.	9	What does that mean? Who's earning five
10	Q. Okay. Is this first of	10	times or six times the number?
11	all, what is the what are the calls	11	A. I wouldn't know what he
12	that he's talking about, "We pay them to	12	meant. I would think it's McKesson.
13	make the calls"?	13	Q. So McKesson has the
14	A. So McKesson, that was	14	opportunity to earn money if they make
15	what's Ara is referring to is to have	15	these calls?
16	McKesson call the pharmacies to stock the	16	MR. BAILEY: Object to form.
17	product to get it started, because the	17	BY MS. BAIG:
18	brand had initially discontinued the	18	Q. Is that how you read this?
19	product and the pharmacies may not be	19	A. Yes, because for them to
20	aware that a generic product equivalent	20	sell more product and they have
21	to the brand Opana is avail was	21	opportunity to make more profit. I mean,
22	available at that time.	22	that's their business model. They're
23	Q. So you're paying McKesson to	23	distributors. They're in the
24	call the pharmacies regarding the	24	wholesaler/distributor.
	Page 143		Page 144
1	Q. And they would then have	1	available for the patient who
2	that opportunity to make more profit	2	might actually need them. So this
3 4	based on providing proof of store	3 4	is awareness to put the product, the first bottle in the in the
5	stocking. Who do they have to provide proof of store stocking to? To you?	5	store.
6	A. To us, to get the say,	6	BY MS. BAIG:
7	the \$25 credit.	7	Q. And you don't recall why the
8	Q. I see. "With the 25 to	8	brand was discontinued, right?
9	30,000 we should get some of the retailer	9	A. I do not.
10	to incentivize them to order and fast."	10	Q. You never learned anything
11	So the purpose behind this	11	about why Opana ER was discontinued?
	* *		
12	was to drive sales by incentivizing the	12	A. I do not remember.
12 13	was to drive sales by incentivizing the retailers to order fast; is that right?	13	
	retailers to order fast; is that right?		_
13	retailers to order fast; is that right? MR. MAIER: Object to form.	13	Q. Do you see on the next page there's an e-mail from John Hansen. Who
13 14	retailers to order fast; is that right?	13 14	Q. Do you see on the next page
13 14 15	retailers to order fast; is that right? MR. MAIER: Object to form. MS. VENTURA: Objection to	13 14 15	Q. Do you see on the next page there's an e-mail from John Hansen. Who is John Hansen again? A. John Hansen was director of
13 14 15 16	retailers to order fast; is that right? MR. MAIER: Object to form. MS. VENTURA: Objection to form.	13 14 15 16	Q. Do you see on the next page there's an e-mail from John Hansen. Who is John Hansen again?
13 14 15 16 17	retailers to order fast; is that right? MR. MAIER: Object to form. MS. VENTURA: Objection to form. THE WITNESS: So oxymorphone	13 14 15 16 17	Q. Do you see on the next page there's an e-mail from John Hansen. Who is John Hansen again? A. John Hansen was director of marketing at McKesson.
13 14 15 16 17 18	retailers to order fast; is that right? MR. MAIER: Object to form. MS. VENTURA: Objection to form. THE WITNESS: So oxymorphone is a very low volume product, and	13 14 15 16 17 18	 Q. Do you see on the next page there's an e-mail from John Hansen. Who is John Hansen again? A. John Hansen was director of marketing at McKesson. Q. Oh, okay. Did you have a
13 14 15 16 17 18 19	retailers to order fast; is that right? MR. MAIER: Object to form. MS. VENTURA: Objection to form. THE WITNESS: So oxymorphone is a very low volume product, and the brand discontinued.	13 14 15 16 17 18 19	Q. Do you see on the next page there's an e-mail from John Hansen. Who is John Hansen again? A. John Hansen was director of marketing at McKesson. Q. Oh, okay. Did you have a relationship with John Hansen?
13 14 15 16 17 18 19 20	retailers to order fast; is that right? MR. MAIER: Object to form. MS. VENTURA: Objection to form. THE WITNESS: So oxymorphone is a very low volume product, and the brand discontinued. Actavis was the first	13 14 15 16 17 18 19 20	 Q. Do you see on the next page there's an e-mail from John Hansen. Who is John Hansen again? A. John Hansen was director of marketing at McKesson. Q. Oh, okay. Did you have a relationship with John Hansen? A. I did work with him.
13 14 15 16 17 18 19 20 21	retailers to order fast; is that right? MR. MAIER: Object to form. MS. VENTURA: Objection to form. THE WITNESS: So oxymorphone is a very low volume product, and the brand discontinued. Actavis was the first generic to launch this product.	13 14 15 16 17 18 19 20 21	Q. Do you see on the next page there's an e-mail from John Hansen. Who is John Hansen again? A. John Hansen was director of marketing at McKesson. Q. Oh, okay. Did you have a relationship with John Hansen? A. I did work with him. Q. Did you work with him
13 14 15 16 17 18 19 20 21 22	retailers to order fast; is that right? MR. MAIER: Object to form. MS. VENTURA: Objection to form. THE WITNESS: So oxymorphone is a very low volume product, and the brand discontinued. Actavis was the first generic to launch this product. Therefore, the retailer, meaning	13 14 15 16 17 18 19 20 21 22	Q. Do you see on the next page there's an e-mail from John Hansen. Who is John Hansen again? A. John Hansen was director of marketing at McKesson. Q. Oh, okay. Did you have a relationship with John Hansen? A. I did work with him. Q. Did you work with him regularly?

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1	responding with a, quote, "Slightly	1	A. It's generic Connect is a
2	modified proposal for our promotional	2	McKesson program.
3	opportunities." Is that right?	3	Q. I see. And when he talks
4	A. Yes.	4	about targeting 500 pharmacies with
5	Q. He goes onto state, "In	5	significant brand sales, how would he
6	light of the fact that we are targeting	6	have the data of the 500 pharmacies with
7	only 500 pharmacies with significant	7	significant brand sales?
8	brand sales, I've lowered the prices for	8	MR. BAILEY: Objection to
9	the GenericsConnect phone campaign and	9	form and foundation.
10	the fax blast in addition to reducing the	10	THE WITNESS: So wholesalers
11	store count for the mailer."	11	would sell to pharmacies. They
12	Do you see that?	12	should have that data, while
13	A. Yes.	13	Actavis didn't.
14	Q. So does this suggest to you	14	BY MS. BAIG:
15	that McKesson is doing the	15	Q. Okay. Well, you would have
16	GenericsConnect phone campaign, fax blast	16	that data to the extent that the
17	and mailers, or is that something that	17	wholesalers provided it to you in the
18	Actavis is doing?	18	chargeback data, correct? We discussed
19	MR. BAILEY: Objection to	19	that earlier.
20	form.	20	MR. BAILEY: Objection to
21	THE WITNESS: It's McKesson.	21	form.
22	BY MS. BAIG:	22	MS. GERMANO: Objection to
23	Q. McKesson is doing it. So	23	form.
24	that's	24	MS. VENTURA: Objection to
			- 140
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1	form.	1	Q. So high dispensers?
2	THE WITNESS: We would have	2	A. Yes.
3	data only on the product we sell.	3	Q. And they would target the
4	We would not have chargeback data	4	high dispensers?
5	on somebody else's product.	5	MS. GERMANO: Objection to
6	BY MS. BAIG:	6	form.
7	Q. I see.	7	MR. MAIER: Objection to
8	A. And this is brand sales.	8	form.
9	Q. I see. So it makes sense	9	MR. BAILEY: Objection to
10	that you used McKesson to target these	10	form.
11	500 pharmacies because they have the data	11	BY MS. BAIG:
12	to all of the pharmacies that were high	12	Q. Is that right? He says it
13	prescribers for the brand drug that	13	right here. "We are targeting only 500
14	you're now selling the generic for?	14	pharmacies with significant brand sales."
15	MS. GERMANO: Objection to	15 16	Is that your understanding of what was happening?
16	form.	17	
17	MR. MAIER: Objection to	18	A. The 500 pharmacies?
18	form, foundation.	19	Q. Right. A. Yeah.
19	THE WITNESS: So I would not	20	Q. With significant brand
20	know what they have, but these are	21	sales?
21	not prescribers, these are	22	A. Yes.
0.0		- 44	(A. 1 Co.
22	pharmacies who dispense brand	1	
22 23 24	Opana. BY MS. BAIG:	23 24	Q. So that suggests, does it not, that he's targeting pharmacies that

	Page 149		Page 150
1	have higher sales?	1	BY MS. BAIG:
2	MR. MAIER: Object to form.	2	Q. And who were the people that
3	THE WITNESS: With higher	3	were making those phone calls, those were
4	sales, yes, in the past.	4	McKesson employees?
5	BY MS. BAIG:	5	MR. BAILEY: Objection,
6	Q. Do you know anything more	6	form.
7	about the GenericsConnect phone campaign?	7	THE WITNESS: I do not know
8	A. I don't know the details.	8	who these people were.
9	Q. Was that campaign such that	9	BY MS. BAIG:
10	McKesson was going to be contacting	10	Q. Do you know whether they
11	pharmacies by phone to market oxymorphone	11	would you expect that they would be
12	ER?	12	people from McKesson's marketing
13	MR. MAIER: Objection to	13	department?
14	form.	14	MR. MAIER: Objection to
15	MR. BAILEY: Objection to	15	form, foundation.
16	form.	16	THE WITNESS: I do not know
17	THE WITNESS: So this	17	how they structured their
18	program is specific to	18	marketing program or nor the
19	oxymorphone, so that would be our	19	employees.
20	expectation that's what this phone	20	BY MS. BAIG:
21	campaign would be, to make the	21	Q. You don't know anything
22	pharmacies aware of the	22	about that?
23	availability of the generic	23	A. I don't.
24	oxymorphone ER.	24	Q. And you didn't have any
	,		Q. 1 2220 you areas o saw o area
	Page 151		Page 152
1	involvement in training the people that	1	information would go through our
2	were calling the pharmacies about the	2	internal review. And I wouldn't
3	generic oxymorphone ER from McKesson,	3	think it's any different from
4	correct?	4	the earlier the sell sheets or
5	MR. BAILEY: Objection to	5	the profile you've seen, similar
6	form.	6	to that.
7	THE WITNESS: I did not have	7	BY MS. BAIG:
8	involvement with the training.	8	Q. But you don't know because
9	BY MS. BAIG:	9	you didn't review it, correct?
10	Q. And do you see he references	10	A. That's correct.
11	also a fax blast?	11	MR. BAILEY: Objection to
12	A. Yeah.	12	form.
13	Q. Would you have had	13	BY MS. BAIG:
14	involvement in in the materials that	14	Q. And is that he discusses
15	were being blasted by fax?	15	also a mailer. Do you know what McKesson
16	A. There as far as I	16	was sending out in its mailers with
10			
17	understand, all these messages that they	17	respect to oxymorphone ER?
	understand, all these messages that they proposed to do would have to go through	17 18	respect to oxymorphone ER? MR. BAILEY: Objection to
17	understand, all these messages that they proposed to do would have to go through their legal reviews.		MR. BAILEY: Objection to form.
17 18 19 20	understand, all these messages that they proposed to do would have to go through their legal reviews. Q. Not yours, correct?	18 19 20	MR. BAILEY: Objection to form. THE WITNESS: Mailer is
17 18 19	understand, all these messages that they proposed to do would have to go through their legal reviews. Q. Not yours, correct? MS. VENTURA: Objection to	18 19 20 21	MR. BAILEY: Objection to form. THE WITNESS: Mailer is so when they ship product, they
17 18 19 20 21 22	understand, all these messages that they proposed to do would have to go through their legal reviews. Q. Not yours, correct? MS. VENTURA: Objection to form.	18 19 20 21 22	MR. BAILEY: Objection to form. THE WITNESS: Mailer is so when they ship product, they will include some additional
17 18 19 20 21 22 23	understand, all these messages that they proposed to do would have to go through their legal reviews. Q. Not yours, correct? MS. VENTURA: Objection to form. THE WITNESS: We provide the	18 19 20 21 22 23	MR. BAILEY: Objection to form. THE WITNESS: Mailer is so when they ship product, they will include some additional material in the in the box. So
17 18 19 20 21 22	understand, all these messages that they proposed to do would have to go through their legal reviews. Q. Not yours, correct? MS. VENTURA: Objection to form.	18 19 20 21 22	MR. BAILEY: Objection to form. THE WITNESS: Mailer is so when they ship product, they will include some additional

	Page 153		Page 154
1	BY MS. BAIG:	1	Q. Next page.
2	Q. Okay.	2	A. Oh, I see. Yes, I saw that.
3	A. Yeah.	3	Mm-hmm.
4	Q. Do you know who Amber	4	Q. Okay. And do you see he
5	Kehoe's product management team is?	5	goes on to state, "I understand that you
6	A. Yes.	6	are looking to target this to the
7	Q. Who is that?	7	approximately 500 accounts with
8	A. That is McKesson product	8	significant brand purchase history and
9	management team who interacted with	9	have accounted for that in the proposal.
10	manufacturers.	10	Please note, however, that many of our
11	Q. Okay. So do you see the	11	communications vehicles can reach a
12	e-mail here from John Hansen, director of	12	larger population at no additional
13	marketing at McKesson stating, "In	13	charge."
14	collaboration with Amber Kehoe's product	14	Do you see that?
15	management team, I've put together a	15	A. Yes, I saw that.
16	marketing plan to promote awareness of	16	Q. Do you know what
17	your recently launched oxymorphone ER	17	communications vehicles he's talking
18	tablets."	18	about?
19	Do you see that?	19	MS. GERMANO: Objection.
20	MR. BAILEY: Objection to	20	THE WITNESS: I would think
21	form.	21	that's referring to the phone, the
22	THE WITNESS: Which page are	22	fax, and the store and the
23	you looking at?	23	mailer.
24	BY MS. BAIG:	24	BY MS. BAIG:
	Dago 155		5 156
	Page 155		Page 156
1	Q. Okay. And on the next page,	1	generics marketing; is that right?
1 2		1 2	
	Q. Okay. And on the next page,	1	generics marketing; is that right?
2	Q. Okay. And on the next page, do you see an e-mail from Ara Aprahamian?	2	generics marketing; is that right? MR. BAILEY: Objection to
2 3	Q. Okay. And on the next page, do you see an e-mail from Ara Aprahamian? A. Okay.	2 3 4 5	generics marketing; is that right? MR. BAILEY: Objection to form. MR. MAIER: Objection to form.
2 3 4	Q. Okay. And on the next page,do you see an e-mail from Ara Aprahamian?A. Okay.Q. What was his position again?	2 3 4	generics marketing; is that right? MR. BAILEY: Objection to form. MR. MAIER: Objection to
2 3 4 5	Q. Okay. And on the next page,do you see an e-mail from Ara Aprahamian?A. Okay.Q. What was his position again?A. Ara?	2 3 4 5	generics marketing; is that right? MR. BAILEY: Objection to form. MR. MAIER: Objection to form. THE WITNESS: We're relying on them to know these pharmacies.
2 3 4 5 6	Q. Okay. And on the next page,do you see an e-mail from Ara Aprahamian?A. Okay.Q. What was his position again?A. Ara?Q. Mm-hmm.	2 3 4 5 6	generics marketing; is that right? MR. BAILEY: Objection to form. MR. MAIER: Objection to form. THE WITNESS: We're relying on them to know these pharmacies. BY MS. BAIG:
2 3 4 5 6 7 8	 Q. Okay. And on the next page, do you see an e-mail from Ara Aprahamian? A. Okay. Q. What was his position again? A. Ara? Q. Mm-hmm. A. He was the director of pricing and contract. Q. And do you see that he's 	2 3 4 5 6 7 8	generics marketing; is that right? MR. BAILEY: Objection to form. MR. MAIER: Objection to form. THE WITNESS: We're relying on them to know these pharmacies. BY MS. BAIG: Q. That you can then have them
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2 3 4 5 6 7 8 9 10	Q. Okay. And on the next page, do you see an e-mail from Ara Aprahamian? A. Okay. Q. What was his position again? A. Ara? Q. Mm-hmm. A. He was the director of pricing and contract. Q. And do you see that he's reached he's reaching out to Amber Kehoe at McKesson stating, "As you know,	2 3 4 5 6 7 8 9 10	generics marketing; is that right? MR. BAILEY: Objection to form. MR. MAIER: Objection to form. THE WITNESS: We're relying on them to know these pharmacies. BY MS. BAIG: Q. That you can then have them contact about generic oxymorphone, correct?
2 3 4 5 6 7 8 9 10 11	Q. Okay. And on the next page, do you see an e-mail from Ara Aprahamian? A. Okay. Q. What was his position again? A. Ara? Q. Mm-hmm. A. He was the director of pricing and contract. Q. And do you see that he's reached he's reaching out to Amber Kehoe at McKesson stating, "As you know, we have recently launched oxymorphone ER	2 3 4 5 6 7 8 9 10 11 12	generics marketing; is that right? MR. BAILEY: Objection to form. MR. MAIER: Objection to form. THE WITNESS: We're relying on them to know these pharmacies. BY MS. BAIG: Q. That you can then have them contact about generic oxymorphone, correct? A. Yes. Awareness. As you see
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. Okay. And on the next page, do you see an e-mail from Ara Aprahamian? A. Okay. Q. What was his position again? A. Ara? Q. Mm-hmm. A. He was the director of pricing and contract. Q. And do you see that he's reached he's reaching out to Amber Kehoe at McKesson stating, "As you know, we have recently launched oxymorphone ER 7.5 milligrams and 15 milligrams, (attached launch notice), and need your assistance with the following: One, run a query of brand Opana ER 7.5 milligrams	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	generics marketing; is that right? MR. BAILEY: Objection to form. MR. MAIER: Objection to form. THE WITNESS: We're relying on them to know these pharmacies. BY MS. BAIG: Q. That you can then have them contact about generic oxymorphone, correct? A. Yes. Awareness. As you see John wrote back saying to promote awareness of the recently launched oxymorphone ER tablets. Q. And he goes on to state
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. Okay. And on the next page, do you see an e-mail from Ara Aprahamian? A. Okay. Q. What was his position again? A. Ara? Q. Mm-hmm. A. He was the director of pricing and contract. Q. And do you see that he's reached he's reaching out to Amber Kehoe at McKesson stating, "As you know, we have recently launched oxymorphone ER 7.5 milligrams and 15 milligrams, (attached launch notice), and need your assistance with the following: One, run a query of brand Opana ER 7.5 milligrams and 15-milligram sales within McKesson for the past nine months to identify high purchasing pharmacies." Do you see that? A. Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	generics marketing; is that right? MR. BAILEY: Objection to form. MR. MAIER: Objection to form. THE WITNESS: We're relying on them to know these pharmacies. BY MS. BAIG: Q. That you can then have them contact about generic oxymorphone, correct? A. Yes. Awareness. As you see John wrote back saying to promote awareness of the recently launched oxymorphone ER tablets. Q. And he goes on to state Ara goes on to state, "Coordinate a stocking promotion/offer to those target stores." Do you see that? A. Yes.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Okay. And on the next page, do you see an e-mail from Ara Aprahamian? A. Okay. Q. What was his position again? A. Ara? Q. Mm-hmm. A. He was the director of pricing and contract. Q. And do you see that he's reached he's reaching out to Amber Kehoe at McKesson stating, "As you know, we have recently launched oxymorphone ER 7.5 milligrams and 15 milligrams, (attached launch notice), and need your assistance with the following: One, run a query of brand Opana ER 7.5 milligrams and 15-milligram sales within McKesson for the past nine months to identify high purchasing pharmacies." Do you see that? A. Yes. Q. So you're relying on	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	generics marketing; is that right? MR. BAILEY: Objection to form. MR. MAIER: Objection to form. THE WITNESS: We're relying on them to know these pharmacies. BY MS. BAIG: Q. That you can then have them contact about generic oxymorphone, correct? A. Yes. Awareness. As you see John wrote back saying to promote awareness of the recently launched oxymorphone ER tablets. Q. And he goes on to state Ara goes on to state, "Coordinate a stocking promotion/offer to those target stores." Do you see that? A. Yes. Q. Are there other types of
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. Okay. And on the next page, do you see an e-mail from Ara Aprahamian? A. Okay. Q. What was his position again? A. Ara? Q. Mm-hmm. A. He was the director of pricing and contract. Q. And do you see that he's reached he's reaching out to Amber Kehoe at McKesson stating, "As you know, we have recently launched oxymorphone ER 7.5 milligrams and 15 milligrams, (attached launch notice), and need your assistance with the following: One, run a query of brand Opana ER 7.5 milligrams and 15-milligram sales within McKesson for the past nine months to identify high purchasing pharmacies." Do you see that? A. Yes. Q. So you're relying on McKesson to identify the high purchasing	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	generics marketing; is that right? MR. BAILEY: Objection to form. MR. MAIER: Objection to form. THE WITNESS: We're relying on them to know these pharmacies. BY MS. BAIG: Q. That you can then have them contact about generic oxymorphone, correct? A. Yes. Awareness. As you see John wrote back saying to promote awareness of the recently launched oxymorphone ER tablets. Q. And he goes on to state Ara goes on to state, "Coordinate a stocking promotion/offer to those target stores." Do you see that? A. Yes. Q. Are there other types of stocking promotion offers that you can
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Okay. And on the next page, do you see an e-mail from Ara Aprahamian? A. Okay. Q. What was his position again? A. Ara? Q. Mm-hmm. A. He was the director of pricing and contract. Q. And do you see that he's reached he's reaching out to Amber Kehoe at McKesson stating, "As you know, we have recently launched oxymorphone ER 7.5 milligrams and 15 milligrams, (attached launch notice), and need your assistance with the following: One, run a query of brand Opana ER 7.5 milligrams and 15-milligram sales within McKesson for the past nine months to identify high purchasing pharmacies." Do you see that? A. Yes. Q. So you're relying on	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	generics marketing; is that right? MR. BAILEY: Objection to form. MR. MAIER: Objection to form. THE WITNESS: We're relying on them to know these pharmacies. BY MS. BAIG: Q. That you can then have them contact about generic oxymorphone, correct? A. Yes. Awareness. As you see John wrote back saying to promote awareness of the recently launched oxymorphone ER tablets. Q. And he goes on to state Ara goes on to state, "Coordinate a stocking promotion/offer to those target stores." Do you see that? A. Yes. Q. Are there other types of

	Page 157		Page 158
1	opioids?	1	oxymorphone ER 7.5 milligrams and
2	MR. MAIER: Objection to	2	15 milligrams, but facing some stocking
3	form.	3	challenges in the pharmacy and would like
4	THE WITNESS: See,	4	to partner with you on this."
5	oxymorphone was a special case,	5	Do you see that?
6	because the brand discontinued and	6	A. Yes.
7	it was a very small volume	7	Q. Okay. So your understanding
8	product.	8	is that they were promoting awareness
9	BY MS. BAIG:	9	direct to physicians, correct?
10	Q. My question to you is, are	10	MR. BAILEY: Objection to
11	there other types of stocking promotion	11	form.
12	offers that you can recall being used to	12	MS. VENTURA: Objection to
13	promote generic opioids?	13	form.
14	MR. MAIER: Object to form.	14	THE WITNESS: We were making
15	THE WITNESS: I do not	15	the physician aware of the
16	remember at this time.	16	availability of our generic
17	BY MS. BAIG:	17	product.
18	Q. Okay. And then he goes on	18	BY MS. BAIG:
19	to state, "Item 3, ship product to those	19	Q. But you are using McKesson
20	target stores, based on receiving	20	to do that, correct?
21	pharmacy order inhouse." And then he	21	MR. BAILEY: Objection to
22	goes on to state, "We are promoting	22	form and foundation.
23	awareness direct to physicians on the	23	THE WITNESS: We're using
24	availability of Actavis generic	24	McKesson to make the pharmacy
	w. water and the second		1 3
	Page 159		Page 160
1	aware of the generic availability.	1	Q. Are you familiar with
2			
	BY MS. BAIG:	2	MS. GERMANO: Counsel, are
•	BY MS. BAIG: O. Oh. Who was doing the	2 3	•
3	Q. Oh. Who was doing the		we moving into a new area? I'm
3 4	Q. Oh. Who was doing the promotion direct to physicians?	3 4	we moving into a new area? I'm just watching the clock.
3 4 5	Q. Oh. Who was doing the promotion direct to physicians? MR. MAIER: Objection to	3	we moving into a new area? I'm just watching the clock. MS. BAIG: Maybe.
3 4 5 6	Q. Oh. Who was doing the promotion direct to physicians? MR. MAIER: Objection to form.	3 4 5 6	we moving into a new area? I'm just watching the clock. MS. BAIG: Maybe. MS. GERMANO: I'm wondering
3 4 5 6 7	Q. Oh. Who was doing the promotion direct to physicians? MR. MAIER: Objection to form. THE WITNESS: That's the	3 4 5 6 7	we moving into a new area? I'm just watching the clock. MS. BAIG: Maybe. MS. GERMANO: I'm wondering if this is a good time to break
3 4 5 6 7 8	Q. Oh. Who was doing the promotion direct to physicians? MR. MAIER: Objection to form. THE WITNESS: That's the Kadian sales team to make	3 4 5 6 7 8	we moving into a new area? I'm just watching the clock. MS. BAIG: Maybe. MS. GERMANO: I'm wondering if this is a good time to break for lunch?
3 4 5 6 7 8	Q. Oh. Who was doing the promotion direct to physicians? MR. MAIER: Objection to form. THE WITNESS: That's the Kadian sales team to make physicians aware of the	3 4 5 6 7 8	we moving into a new area? I'm just watching the clock. MS. BAIG: Maybe. MS. GERMANO: I'm wondering if this is a good time to break for lunch? MS. BAIG: We can.
3 4 5 6 7 8 9	Q. Oh. Who was doing the promotion direct to physicians? MR. MAIER: Objection to form. THE WITNESS: That's the Kadian sales team to make physicians aware of the availability of the generic	3 4 5 6 7 8	we moving into a new area? I'm just watching the clock. MS. BAIG: Maybe. MS. GERMANO: I'm wondering if this is a good time to break for lunch? MS. BAIG: We can. THE VIDEOGRAPHER: Going off
3 4 5 6 7 8 9 10	Q. Oh. Who was doing the promotion direct to physicians? MR. MAIER: Objection to form. THE WITNESS: That's the Kadian sales team to make physicians aware of the availability of the generic product.	3 4 5 6 7 8 9 10	we moving into a new area? I'm just watching the clock. MS. BAIG: Maybe. MS. GERMANO: I'm wondering if this is a good time to break for lunch? MS. BAIG: We can.
3 4 5 6 7 8 9 10 11 12	Q. Oh. Who was doing the promotion direct to physicians? MR. MAIER: Objection to form. THE WITNESS: That's the Kadian sales team to make physicians aware of the availability of the generic product. BY MS. BAIG:	3 4 5 6 7 8 9 10 11 12	we moving into a new area? I'm just watching the clock. MS. BAIG: Maybe. MS. GERMANO: I'm wondering if this is a good time to break for lunch? MS. BAIG: We can. THE VIDEOGRAPHER: Going off record. The time is 12:28.
3 4 5 6 7 8 9 10 11 12 13	Q. Oh. Who was doing the promotion direct to physicians? MR. MAIER: Objection to form. THE WITNESS: That's the Kadian sales team to make physicians aware of the availability of the generic product. BY MS. BAIG: Q. So that's not McKesson?	3 4 5 6 7 8 9 10 11 12 13	we moving into a new area? I'm just watching the clock. MS. BAIG: Maybe. MS. GERMANO: I'm wondering if this is a good time to break for lunch? MS. BAIG: We can. THE VIDEOGRAPHER: Going off
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3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. Oh. Who was doing the promotion direct to physicians? MR. MAIER: Objection to form. THE WITNESS: That's the Kadian sales team to make physicians aware of the availability of the generic product. BY MS. BAIG: Q. So that's not McKesson? A. That's not McKesson. Q. This e-mail is not contemplating McKesson doing that, that's	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	we moving into a new area? I'm just watching the clock. MS. BAIG: Maybe. MS. GERMANO: I'm wondering if this is a good time to break for lunch? MS. BAIG: We can. THE VIDEOGRAPHER: Going off record. The time is 12:28. (Lunch break.) AFTERNOON SESSION THE VIDEOGRAPHER: We are
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3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. Oh. Who was doing the promotion direct to physicians? MR. MAIER: Objection to form. THE WITNESS: That's the Kadian sales team to make physicians aware of the availability of the generic product. BY MS. BAIG: Q. So that's not McKesson? A. That's not McKesson. Q. This e-mail is not contemplating McKesson doing that, that's A. Oh no. Q. That's just Actavis doing	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	we moving into a new area? I'm just watching the clock. MS. BAIG: Maybe. MS. GERMANO: I'm wondering if this is a good time to break for lunch? MS. BAIG: We can. THE VIDEOGRAPHER: Going off record. The time is 12:28. (Lunch break.) AFTERNOON SESSION THE VIDEOGRAPHER: We are going back on the record. This is the beginning of Media File
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	Page 161		Page 162
1	identification as Exhibit	1	Q. At Actavis?
2	Allergan-McCormick-9.)	2	A. Yes.
3	BY MS. BAIG:	3	Q. Okay. And it states a
4	Q. I'll have this document	4	little further down, "Attached please
5	marked as Exhibit 9. This document is	5	find quarter 2 2011 market share book
6	Bates stamped Actavis 86122 through 128.	6	based on the most recent IMS data ending
7	MS. VENTURA: If I can just	7	June 2011."
8	note for the record, this document	8	And it sets forth that there
9			
	was reproduced with an MDL Bates	9	are five reports attached. Do you see
10	number and a confidentiality	10	that?
11	designation. I'll state that once	11	A. Yes.
12	in case any similar documents are	12	Q. Part 1 is top competitor,
13	introduced later in the	13	top products report. Report 2 is SOD
14	deposition, and we would just like	14	which includes all SOD entities. What is
15	to replace those with the MDL	15	SOD?
16	Bates-stamped version that has the	16	A. Solid oral dose. Solid oral
17	confidentiality designation.	17	dose.
18	MS. BAIG: Okay.	18	Q. Okay.
19	BY MS. BAIG:	19	A. Product.
20	Q. This starts as an e-mail	20	Q. Does that and what's ASA
21	from you to David Marlow dated August 22,	21	that's listed there?
22	2011. Who is David Marlow?	22	A. It's ASA in South Florida,
23	A. He was a supply chain	23	it's one of the entities of Actavis.
24	manager.	24	Q. Okay. Do you remember what
	5		
	Page 163		Page 164
1	it stands for?	1	shifted in from ASA?
2	A. I don't. It's a company we	2	A. There isn't there wasn't
3	acquired. It starts with an A, Abrika.	3	anyone from for the sales and
4	Q. And was it a company that	4	marketing.
5	was working on opioid products?	5	Q. Do you recall anyone at all?
6	A. We acquired them, that	6	A. Yeah. Dale, I can't
7	that company had fentanyl patch. Or	7	remember his last name. He passed away.
8	developed fentanyl patch.	8	He was doing business development.
9	Q. They developed the fentanyl	9	Q. Do you remember anybody else
10	patch?	10	that came in from ASA?
11	A. They developed the generic	11	A. There was product so
12	fentanyl patch.	12	the the head of R&D. It was Jim
13	Q. And who would who did you	13	
14	work with from that company?		Huang. I knew him.
15		14	Q. Anybody else?
		15	A. There were people doing
16	anyone when it was its own company. I	16	in the operations, Rudy Zulickman.
17	worked with people after they were	17	Q. So ASA was acquired by
18	acquired by Actavis.	18	Actavis?
19	Q. Who did you work with?	19	A. Yes.
	A. I didn't really work with	20	Q. And once it was acquired by
20		0.1	A -4
21	anyone particularly from there, that	21	Actavis, who marketed its fentanyl patch?
21 22	site, because it was just part of the	21	Your team did?
21 22 23	site, because it was just part of the company as a whole.		
21 22	site, because it was just part of the	22	Your team did?

	Page 165		Page 166
1	A. That's Elizabeth site. It's	1	Q. Because everything else was
2	one of the manufacturing facilities of	2	happening within Actavis, is that what
3	Actavis.	3	you're saying?
4	Q. In New Jersey?	4	A. The product we discussed,
5	A. Yes.	5	the opioid, they were all manufactured by
6	Q. And what's third party refer	6	Actavis itself except fentanyl patch.
7	to?	7	Q. Okay. And that was
8	A. Meaning our partners who	8	manufactured by ASA until ASA was
9	were not part of the Actavis company.	9	acquired?
10	Q. You mean your clients?	10	A. The fentanyl patch was
11	A. No. We have so it's	11	developed by ASA, manufactured by Corium.
12	partners for products. They could be	12	Corium is an independent company.
13	contract manufacturing. They could be	13	Q. Okay.
14	contract manufacturers of our product or	14	A. They were the contract
15	they could be partner meaning they	15	manufacturer.
16	developed the product and we marketed	16	Q. Okay. And they continued to
17	their product.	17	be the contract manufacturer even after
18	Q. Okay. So who are those, as	18	Actavis acquired ASA; is that right?
19	far as the opioids were concerned?	19	A. That's correct.
20	A. As far as opioids were	20	Q. Okay. What does SSL stand
21	concerned, I don't think there is I'm	21	for?
22	thinking about the product no, I don't	22	A. Semi-solid and liquid.
23	think there was any other than fentanyl	23	Q. Now, are these the types of
24	patch.	24	reports that you would put together
	Page 167		Page 168
1	with using the IMS data?	1	Page 168 what about your competitors exactly?
1 2	with using the IMS data? A. Yes. This is the one of	1 2	what about your competitors exactly? A. Just as a part of the normal
2 3	with using the IMS data? A. Yes. This is the one of the report we talked about or referred to		what about your competitors exactly? A. Just as a part of the normal course of business, we all want to
2 3 4	with using the IMS data? A. Yes. This is the one of the report we talked about or referred to earlier.	2	what about your competitors exactly? A. Just as a part of the normal course of business, we all want to understand what the competitors were
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2 3 4 5 6	with using the IMS data? A. Yes. This is the one of the report we talked about or referred to earlier. Q. Mm-hmm. So you have Greenstone products, Mylan top products,	2 3 4 5 6	what about your competitors exactly? A. Just as a part of the normal course of business, we all want to understand what the competitors were doing, what products they had, and, yeah. Q. And where you have the
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2 3 4 5 6 7 8	with using the IMS data? A. Yes. This is the one of the report we talked about or referred to earlier. Q. Mm-hmm. So you have Greenstone products, Mylan top products, Sandoz products, these are your competitors' products?	2 3 4 5 6 7 8	what about your competitors exactly? A. Just as a part of the normal course of business, we all want to understand what the competitors were doing, what products they had, and, yeah. Q. And where you have the column that has 12-month growth versus prior period, is that sales growth?
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2 3 4 5 6 7 8 9	with using the IMS data? A. Yes. This is the one of the report we talked about or referred to earlier. Q. Mm-hmm. So you have Greenstone products, Mylan top products, Sandoz products, these are your competitors' products? A. These were product of those companies that's under the title, under	2 3 4 5 6 7 8 9	what about your competitors exactly? A. Just as a part of the normal course of business, we all want to understand what the competitors were doing, what products they had, and, yeah. Q. And where you have the column that has 12-month growth versus prior period, is that sales growth? A. That's volume growth in extended units.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	with using the IMS data? A. Yes. This is the one of the report we talked about or referred to earlier. Q. Mm-hmm. So you have Greenstone products, Mylan top products, Sandoz products, these are your competitors' products? A. These were product of those companies that's under the title, under the heading. Q. So if you so if you look, for example, at the Mallinckrodt page, Mallinckrodt top products ranked by Q2 '11 IMS sales. A. Yes. Q. What was the purpose of putting this together? Did you create it, first of all? A. I did. Q. For what purpose? A. Just for knowing our	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	what about your competitors exactly? A. Just as a part of the normal course of business, we all want to understand what the competitors were doing, what products they had, and, yeah. Q. And where you have the column that has 12-month growth versus prior period, is that sales growth? A. That's volume growth in extended units. Q. What does that what does that tell you? A. Okay. So there are two columns. It says 12-month growth, right? Q. Mm-hmm. A. The one to the left is the growth in IMS sales dollars. The one to the far right is the growth based on volume of extended units. Q. Based on volume of extended units, what does that mean? A. Extended unit is IMS term.

	Page 169		Page 170
1	Q. So you have it in terms of	1	Mallinckrodt.
2	dollars and in terms of pills or grams;	2	A. For that particular product.
3	is that right?	3	Q. Okay. And then you also see
4	A. In this particular contact,	4	a 9 percent growth in terms of the actual
5	it would be the pills.	5	pills; is that right?
6	Q. The the far right column?	6	MR. MAIER: Objection to
7	A. Yeah, that's the the	7	form.
8	percentages based on the prior volume you	8	THE WITNESS: That's what it
9	could you know, the calculation based	9	shows, a 9 percent growth.
10	on the column preceding that.	10	BY MS. BAIG:
11	Q. Okay. So if you look, for	11	Q. Okay. And if you if you
12	example, at oxycodone HCL. You have a	12	move several pages past that, you see a
13	7 percent growth in terms of sales	13	different type of document that's headed
14	dollars.	14	SOD - Elizabeth and third-party product
15	MR. MAIER: Objection to	15	market share grid. Do you see that?
16	form.	16	A. Yes.
17	BY MS. BAIG:	17	Q. And you created this
18	Q. Is that right?	18	document?
19	A. So	19	A. So my team created the
20	Q. For Mallinckrodt.	20	the document. It could be multiple
21	A. In that file you are looking	21	people working on this.
22	at 7 percent growth of IMS sales for the	22	Q. Okay. And what purpose was
23	12-month period.	23	this document created for?
24	Q. For oxycodone HCL for	24	A. This entire document was for
	Page 171		Page 172
1	monitoring the competitors as well as	1	A. Yes. The 8.5 will be the Q1
2	knowing the market by product, how you	2	2011 market share.
3	know, how we performed and how we	3	Q. That's Actavis' market share
4	performed against our competitors.	4	of fentanyl transdermal?
5	Q. When you say this entire	5	A. Yes.
6	document, you mean the whole exhibit,	6	Q. Okay. And if you look on
7	correct?	7	the next page, then you see that for the
8 9	A. I mean	8 9	first quarter of 2011, Actavis' market
	Q. Or just even theA this entire market share	10	share for oxycodone IR tablets was
10 11	A this entire market share report is, you know, part of the market	11	44.1 percent; is that right? MR. KNAPP: Objection to
12	report is, you know, part of the market research.	12	form.
13		13	MR. MAIER: Objection to
14		14	form.
15	A. We know where our business is at.	15	THE WITNESS: This is how
16		16	it's captured based on the
17	Q. And this particular grid	17	calculation of the IMS IMS
18	that we're looking at right now? A. Yeah. This particular is	18	data.
19	-	19	BY MS. BAIG:
	just a summary of the pages behind it.	20	Q. Okay. And there's no
20 21	Q. Okay. So this, for example,	21	percentage listed for oxymorphone ER
22	is showing, for fentanyl transdermal, it's showing is this showing Actavis'	22	tabs. Do you know why that is?
23	market share in the first column for	23	A. I don't know. Was it
24	quarter 1 of 2011?	24	launched or did what time which
	quarter 1 01 4011;		

	Dana 172		De 22 174
	Page 173		Page 174
1	timeline this was. 2011.	1	Q. And they're created why?
2	Q. It was prelaunch?	2	A. So as part of the marketing
3	A. It could be. I don't know	3	department function, we always want to
4	when the launch time it could be two	4	know how we're performing and what the
5	reasons. One is it wasn't launched.	5	size of the market was and how the market
6	Two, if we launched, maybe IMS didn't	6	was changing.
7	capture any data.	7	Q. So if you flip to the one
8	Q. Okay. And the next chart is	8	that is discussing the buprenorphine
9	labeled "SSL House Label Market Share	9	naloxone sublingual tablets, in
10	Grid Report, Q2, 2011, IMS data."	10	parentheses it says Suboxone.
11	What is this chart intending	11	A. Okay.
12	to show?	12	Q. What is it showing Actavis'
13	A. This is the same as the	13	market share for that product?
14	prior ones. It's a summary of the pages	14	A. So Actavis was not here
15	of specific products, market share, just	15	because it was not launched.
16	for the semi-solids and liquid products.	16	Q. So what does this report
17	Q. I see. So different	17	show then?
18	products?	18	A. So if you look at the front
19	A. Yeah.	19	of the e-mail, this could have marketed
20	Q. Okay. And then there are a	20	product, but could also have the
21	series of sheets that follow. What types	21	potential new product to be launched in
22	of reports are these?	22	the short-term. So this is example of a
23	A. Each page is for one	23	new product that Actavis had not launched
24	product.	24	but in the pipeline.
24	product.		out in the pipeline.
	Page 175		Page 176
	_		
1	O I see That's why it says	1	A Okay Got it
1	Q. I see. That's why it says	1	A. Okay. Got it.
2	generic share zero?	2	Q. So what is the does
2 3	generic share zero? A. So there were other	2 3	Q. So what is the does Actavis have market share in this drug at
2 3 4	generic share zero? A. So there were other people there were other manufacturers	2 3 4	Q. So what is the does Actavis have market share in this drug at this point?
2 3 4 5	generic share zero? A. So there were other people there were other manufacturers in the market for this product. And	2 3 4 5	Q. So what is the does Actavis have market share in this drug at this point? A. No. Actavis did not. It
2 3 4 5 6	generic share zero? A. So there were other people there were other manufacturers in the market for this product. And that's why they they were shown there.	2 3 4 5 6	Q. So what is the does Actavis have market share in this drug at this point? A. No. Actavis did not. It was not launched.
2 3 4 5 6 7	generic share zero? A. So there were other people there were other manufacturers in the market for this product. And that's why they they were shown there. For example, Teva has 17.1 percent. So	2 3 4 5 6 7	Q. So what is the does Actavis have market share in this drug at this point? A. No. Actavis did not. It was not launched. Q. Okay. So same issue. So
2 3 4 5 6 7 8	generic share zero? A. So there were other people there were other manufacturers in the market for this product. And that's why they they were shown there. For example, Teva has 17.1 percent. So there were other manufacturers in	2 3 4 5 6 7 8	Q. So what is the does Actavis have market share in this drug at this point? A. No. Actavis did not. It was not launched. Q. Okay. So same issue. So that's why it says generic share zero all
2 3 4 5 6 7 8	generic share zero? A. So there were other people there were other manufacturers in the market for this product. And that's why they they were shown there. For example, Teva has 17.1 percent. So there were other manufacturers in generic.	2 3 4 5 6 7 8 9	Q. So what is the does Actavis have market share in this drug at this point? A. No. Actavis did not. It was not launched. Q. Okay. So same issue. So that's why it says generic share zero all the way across; is that right?
2 3 4 5 6 7 8 9	generic share zero? A. So there were other people there were other manufacturers in the market for this product. And that's why they they were shown there. For example, Teva has 17.1 percent. So there were other manufacturers in generic. Q. Where are you seeing Teva?	2 3 4 5 6 7 8 9	Q. So what is the does Actavis have market share in this drug at this point? A. No. Actavis did not. It was not launched. Q. Okay. So same issue. So that's why it says generic share zero all the way across; is that right? A. Yes. There was no generic
2 3 4 5 6 7 8 9 10	generic share zero? A. So there were other people there were other manufacturers in the market for this product. And that's why they they were shown there. For example, Teva has 17.1 percent. So there were other manufacturers in generic. Q. Where are you seeing Teva? MS. VENTURA: I think she's	2 3 4 5 6 7 8 9 10	Q. So what is the does Actavis have market share in this drug at this point? A. No. Actavis did not. It was not launched. Q. Okay. So same issue. So that's why it says generic share zero all the way across; is that right? A. Yes. There was no generic on the market.
2 3 4 5 6 7 8 9 10 11	generic share zero? A. So there were other people there were other manufacturers in the market for this product. And that's why they they were shown there. For example, Teva has 17.1 percent. So there were other manufacturers in generic. Q. Where are you seeing Teva? MS. VENTURA: I think she's on the page prior to it.	2 3 4 5 6 7 8 9 10 11 12	Q. So what is the does Actavis have market share in this drug at this point? A. No. Actavis did not. It was not launched. Q. Okay. So same issue. So that's why it says generic share zero all the way across; is that right? A. Yes. There was no generic on the market. Q. Okay. And did you include
2 3 4 5 6 7 8 9 10 11 12 13	generic share zero? A. So there were other people there were other manufacturers in the market for this product. And that's why they they were shown there. For example, Teva has 17.1 percent. So there were other manufacturers in generic. Q. Where are you seeing Teva? MS. VENTURA: I think she's on the page prior to it. THE WITNESS: Buprenorphine	2 3 4 5 6 7 8 9 10 11 12 13	Q. So what is the does Actavis have market share in this drug at this point? A. No. Actavis did not. It was not launched. Q. Okay. So same issue. So that's why it says generic share zero all the way across; is that right? A. Yes. There was no generic on the market. Q. Okay. And did you include this in here because Actavis was
2 3 4 5 6 7 8 9 10 11 12 13 14	generic share zero? A. So there were other people there were other manufacturers in the market for this product. And that's why they they were shown there. For example, Teva has 17.1 percent. So there were other manufacturers in generic. Q. Where are you seeing Teva? MS. VENTURA: I think she's on the page prior to it. THE WITNESS: Buprenorphine is	2 3 4 5 6 7 8 9 10 11 12 13 14	Q. So what is the does Actavis have market share in this drug at this point? A. No. Actavis did not. It was not launched. Q. Okay. So same issue. So that's why it says generic share zero all the way across; is that right? A. Yes. There was no generic on the market. Q. Okay. And did you include this in here because Actavis was considering bringing the generic drug to
2 3 4 5 6 7 8 9 10 11 12 13 14 15	generic share zero? A. So there were other people there were other manufacturers in the market for this product. And that's why they they were shown there. For example, Teva has 17.1 percent. So there were other manufacturers in generic. Q. Where are you seeing Teva? MS. VENTURA: I think she's on the page prior to it. THE WITNESS: Buprenorphine is BY MS. BAIG:	2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. So what is the does Actavis have market share in this drug at this point? A. No. Actavis did not. It was not launched. Q. Okay. So same issue. So that's why it says generic share zero all the way across; is that right? A. Yes. There was no generic on the market. Q. Okay. And did you include this in here because Actavis was considering bringing the generic drug to market?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	generic share zero? A. So there were other people there were other manufacturers in the market for this product. And that's why they they were shown there. For example, Teva has 17.1 percent. So there were other manufacturers in generic. Q. Where are you seeing Teva? MS. VENTURA: I think she's on the page prior to it. THE WITNESS: Buprenorphine is BY MS. BAIG: Q. Oh, you're looking at	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. So what is the does Actavis have market share in this drug at this point? A. No. Actavis did not. It was not launched. Q. Okay. So same issue. So that's why it says generic share zero all the way across; is that right? A. Yes. There was no generic on the market. Q. Okay. And did you include this in here because Actavis was considering bringing the generic drug to market? A. We were working on that.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	generic share zero? A. So there were other people there were other manufacturers in the market for this product. And that's why they they were shown there. For example, Teva has 17.1 percent. So there were other manufacturers in generic. Q. Where are you seeing Teva? MS. VENTURA: I think she's on the page prior to it. THE WITNESS: Buprenorphine is BY MS. BAIG: Q. Oh, you're looking at Subutex?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. So what is the does Actavis have market share in this drug at this point? A. No. Actavis did not. It was not launched. Q. Okay. So same issue. So that's why it says generic share zero all the way across; is that right? A. Yes. There was no generic on the market. Q. Okay. And did you include this in here because Actavis was considering bringing the generic drug to market? A. We were working on that. Q. Okay. If you go several
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	generic share zero? A. So there were other people there were other manufacturers in the market for this product. And that's why they they were shown there. For example, Teva has 17.1 percent. So there were other manufacturers in generic. Q. Where are you seeing Teva? MS. VENTURA: I think she's on the page prior to it. THE WITNESS: Buprenorphine is BY MS. BAIG: Q. Oh, you're looking at Subutex? A. I'm looking at the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. So what is the does Actavis have market share in this drug at this point? A. No. Actavis did not. It was not launched. Q. Okay. So same issue. So that's why it says generic share zero all the way across; is that right? A. Yes. There was no generic on the market. Q. Okay. And did you include this in here because Actavis was considering bringing the generic drug to market? A. We were working on that. Q. Okay. If you go several pages further on four or five pages
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	generic share zero? A. So there were other people there were other manufacturers in the market for this product. And that's why they they were shown there. For example, Teva has 17.1 percent. So there were other manufacturers in generic. Q. Where are you seeing Teva? MS. VENTURA: I think she's on the page prior to it. THE WITNESS: Buprenorphine is BY MS. BAIG: Q. Oh, you're looking at Subutex? A. I'm looking at the buprenorphine sublingual tablets.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. So what is the does Actavis have market share in this drug at this point? A. No. Actavis did not. It was not launched. Q. Okay. So same issue. So that's why it says generic share zero all the way across; is that right? A. Yes. There was no generic on the market. Q. Okay. And did you include this in here because Actavis was considering bringing the generic drug to market? A. We were working on that. Q. Okay. If you go several pages further on four or five pages further, you see morphine sulfate ER
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	generic share zero? A. So there were other people there were other manufacturers in the market for this product. And that's why they they were shown there. For example, Teva has 17.1 percent. So there were other manufacturers in generic. Q. Where are you seeing Teva? MS. VENTURA: I think she's on the page prior to it. THE WITNESS: Buprenorphine is BY MS. BAIG: Q. Oh, you're looking at Subutex? A. I'm looking at the buprenorphine sublingual tablets. Q. If you look at the next	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. So what is the does Actavis have market share in this drug at this point? A. No. Actavis did not. It was not launched. Q. Okay. So same issue. So that's why it says generic share zero all the way across; is that right? A. Yes. There was no generic on the market. Q. Okay. And did you include this in here because Actavis was considering bringing the generic drug to market? A. We were working on that. Q. Okay. If you go several pages further on four or five pages further, you see morphine sulfate ER capsules, Kadian.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	generic share zero? A. So there were other people there were other manufacturers in the market for this product. And that's why they they were shown there. For example, Teva has 17.1 percent. So there were other manufacturers in generic. Q. Where are you seeing Teva? MS. VENTURA: I think she's on the page prior to it. THE WITNESS: Buprenorphine is BY MS. BAIG: Q. Oh, you're looking at Subutex? A. I'm looking at the buprenorphine sublingual tablets. Q. If you look at the next page	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. So what is the does Actavis have market share in this drug at this point? A. No. Actavis did not. It was not launched. Q. Okay. So same issue. So that's why it says generic share zero all the way across; is that right? A. Yes. There was no generic on the market. Q. Okay. And did you include this in here because Actavis was considering bringing the generic drug to market? A. We were working on that. Q. Okay. If you go several pages further on four or five pages further, you see morphine sulfate ER capsules, Kadian. Do you see that?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	generic share zero? A. So there were other people there were other manufacturers in the market for this product. And that's why they they were shown there. For example, Teva has 17.1 percent. So there were other manufacturers in generic. Q. Where are you seeing Teva? MS. VENTURA: I think she's on the page prior to it. THE WITNESS: Buprenorphine is BY MS. BAIG: Q. Oh, you're looking at Subutex? A. I'm looking at the buprenorphine sublingual tablets. Q. If you look at the next page A. Oh, I see.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. So what is the does Actavis have market share in this drug at this point? A. No. Actavis did not. It was not launched. Q. Okay. So same issue. So that's why it says generic share zero all the way across; is that right? A. Yes. There was no generic on the market. Q. Okay. And did you include this in here because Actavis was considering bringing the generic drug to market? A. We were working on that. Q. Okay. If you go several pages further on four or five pages further, you see morphine sulfate ER capsules, Kadian. Do you see that? A. Yes.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	generic share zero? A. So there were other people there were other manufacturers in the market for this product. And that's why they they were shown there. For example, Teva has 17.1 percent. So there were other manufacturers in generic. Q. Where are you seeing Teva? MS. VENTURA: I think she's on the page prior to it. THE WITNESS: Buprenorphine is BY MS. BAIG: Q. Oh, you're looking at Subutex? A. I'm looking at the buprenorphine sublingual tablets. Q. If you look at the next page A. Oh, I see. Q that's the buprenorphine	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. So what is the does Actavis have market share in this drug at this point? A. No. Actavis did not. It was not launched. Q. Okay. So same issue. So that's why it says generic share zero all the way across; is that right? A. Yes. There was no generic on the market. Q. Okay. And did you include this in here because Actavis was considering bringing the generic drug to market? A. We were working on that. Q. Okay. If you go several pages further on four or five pages further, you see morphine sulfate ER capsules, Kadian. Do you see that? A. Yes. Q. And you created these
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	generic share zero? A. So there were other people there were other manufacturers in the market for this product. And that's why they they were shown there. For example, Teva has 17.1 percent. So there were other manufacturers in generic. Q. Where are you seeing Teva? MS. VENTURA: I think she's on the page prior to it. THE WITNESS: Buprenorphine is BY MS. BAIG: Q. Oh, you're looking at Subutex? A. I'm looking at the buprenorphine sublingual tablets. Q. If you look at the next page A. Oh, I see.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. So what is the does Actavis have market share in this drug at this point? A. No. Actavis did not. It was not launched. Q. Okay. So same issue. So that's why it says generic share zero all the way across; is that right? A. Yes. There was no generic on the market. Q. Okay. And did you include this in here because Actavis was considering bringing the generic drug to market? A. We were working on that. Q. Okay. If you go several pages further on four or five pages further, you see morphine sulfate ER capsules, Kadian. Do you see that? A. Yes.

	Page 177		Page 178
1	A. Yeah, my group did.	1	Q million. And that's in
2	Q. Okay. So your group was	2	the market overall for all of the
3	creating or doing certain trend analyses	3	companies that had this drug, correct?
4	for not only the generic drugs but also	4	MS. VENTURA: Objection to
5	the branded drugs; is that right?	5	form.
6	MR. MAIER: Object to form.	6	THE WITNESS: So that's the
7	THE WITNESS: This was not	7	IMS-reported sales for Kadian
8	analysis for the brand. This was	8	itself. And Kadian was only
9	in the same situation as Suboxone,	9	marketed by Actavis.
10	that it's a product that we could	10	BY MS. BAIG:
11	potentially launch as a generic.	11	Q. I see. And if you move to
12	So it was included in the report	12	the next page, two pages down, you see
13	from the generic perspective.	13	oxycodone tablets?
14	BY MS. BAIG:	14	A. Yes.
15	Q. I see. And what did this	15	Q. And here it shows the total
16	report serve to tell you about the drug?	16	sales are \$57 million; is that right?
17	A. So for the product, whether	17	A. Yes. This is only for the
18	it's existing generic or pipeline	18	five-milligram.
19	product, what it tells is what the IMS	19	<u>e</u>
20	sales were, what the IMS volume were, and	20	Q. I see. Okay. And Actavis was marketing this drug, correct?
21	the change in the market.	21	MR. MAIER: Objection to
22	Q. So total IMS sales were	22	form.
23	268	23	THE WITNESS: Actavis did
24	A. Million.	24	
24	A. Willion.	24	not market this drug.
	Page 179		- 100
	rage 179		Page 180
1	BY MS. BAIG:	1	Q. And this has Actavis ranked
1 2		1 2	
	BY MS. BAIG:		Q. And this has Actavis ranked
2	BY MS. BAIG: Q. Oh, they didn't Actavis	2	Q. And this has Actavis ranked Number 11 in what?
2 3	BY MS. BAIG: Q. Oh, they didn't Actavis did not market five-milligram?	2	Q. And this has Actavis ranked Number 11 in what? A. So you go to the e-mail I
2 3 4	BY MS. BAIG: Q. Oh, they didn't Actavis did not market five-milligram? MR. MAIER: Objection to	2 3 4	Q. And this has Actavis ranked Number 11 in what? A. So you go to the e-mail I wrote to the group, for distribution.
2 3 4 5	BY MS. BAIG: Q. Oh, they didn't Actavis did not market five-milligram? MR. MAIER: Objection to form.	2 3 4 5	Q. And this has Actavis ranked Number 11 in what? A. So you go to the e-mail I wrote to the group, for distribution. "Generic company ranking report based on
2 3 4 5 6	BY MS. BAIG: Q. Oh, they didn't Actavis did not market five-milligram? MR. MAIER: Objection to form. THE WITNESS: That's	2 3 4 5 6	Q. And this has Actavis ranked Number 11 in what? A. So you go to the e-mail I wrote to the group, for distribution. "Generic company ranking report based on IMS total scripts dispensed."
2 3 4 5 6 7	BY MS. BAIG: Q. Oh, they didn't Actavis did not market five-milligram? MR. MAIER: Objection to form. THE WITNESS: That's correct.	2 3 4 5 6 7	Q. And this has Actavis ranked Number 11 in what? A. So you go to the e-mail I wrote to the group, for distribution. "Generic company ranking report based on IMS total scripts dispensed." So it's based on, if you
2 3 4 5 6 7 8	BY MS. BAIG: Q. Oh, they didn't Actavis did not market five-milligram? MR. MAIER: Objection to form. THE WITNESS: That's correct. BY MS. BAIG:	2 3 4 5 6 7 8	Q. And this has Actavis ranked Number 11 in what? A. So you go to the e-mail I wrote to the group, for distribution. "Generic company ranking report based on IMS total scripts dispensed." So it's based on, if you look at the volume here, ranking
2 3 4 5 6 7 8 9	BY MS. BAIG: Q. Oh, they didn't Actavis did not market five-milligram? MR. MAIER: Objection to form. THE WITNESS: That's correct. BY MS. BAIG: Q. Okay. And so where you have	2 3 4 5 6 7 8	Q. And this has Actavis ranked Number 11 in what? A. So you go to the e-mail I wrote to the group, for distribution. "Generic company ranking report based on IMS total scripts dispensed." So it's based on, if you look at the volume here, ranking there's also a footnote to that page.
2 3 4 5 6 7 8 9 10 11	BY MS. BAIG: Q. Oh, they didn't Actavis did not market five-milligram? MR. MAIER: Objection to form. THE WITNESS: That's correct. BY MS. BAIG: Q. Okay. And so where you have down here competitive share, those are all the companies that did market A. Yes.	2 3 4 5 6 7 8 9	Q. And this has Actavis ranked Number 11 in what? A. So you go to the e-mail I wrote to the group, for distribution. "Generic company ranking report based on IMS total scripts dispensed." So it's based on, if you look at the volume here, ranking there's also a footnote to that page. "Ranking based on IMS total TRx dispensed
2 3 4 5 6 7 8 9 10 11 12 13	BY MS. BAIG: Q. Oh, they didn't Actavis did not market five-milligram? MR. MAIER: Objection to form. THE WITNESS: That's correct. BY MS. BAIG: Q. Okay. And so where you have down here competitive share, those are all the companies that did market A. Yes. Q this drug	2 3 4 5 6 7 8 9 10 11	Q. And this has Actavis ranked Number 11 in what? A. So you go to the e-mail I wrote to the group, for distribution. "Generic company ranking report based on IMS total scripts dispensed." So it's based on, if you look at the volume here, ranking there's also a footnote to that page. "Ranking based on IMS total TRx dispensed for the second quarter 2011."
2 3 4 5 6 7 8 9 10 11 12 13 14	BY MS. BAIG: Q. Oh, they didn't Actavis did not market five-milligram? MR. MAIER: Objection to form. THE WITNESS: That's correct. BY MS. BAIG: Q. Okay. And so where you have down here competitive share, those are all the companies that did market A. Yes. Q this drug MR. MAIER: Objection.	2 3 4 5 6 7 8 9 10 11	Q. And this has Actavis ranked Number 11 in what? A. So you go to the e-mail I wrote to the group, for distribution. "Generic company ranking report based on IMS total scripts dispensed." So it's based on, if you look at the volume here, ranking there's also a footnote to that page. "Ranking based on IMS total TRx dispensed for the second quarter 2011." Q. So total prescriptions
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1 A. So 17 million scripts 2 dispensed. 3 Q. Generic scripts dispensed? 4 A. Generic scripts dispensed? 5 Q. Okay. 6 A. In all products. 6 A. In all products. 7 Q. That's all products. 8 What percentage of your 9 generic scripts were opioid scripts? Do you know? 10 you know? 11 A. I don't know. 12 Q. Do you know roughly? 13 A. No. We never tracked it 14 that way. 15 (Document marked for 16 identification as Exhibit 17 Allergan-McCormick-10) 18 BY MS. BAIG: 19 Q. I'll have this document 19 Q. I'll have this document 19 Q. I'll have this document 20 marked as Exhibit 10. This is a document 21 Bates stamped 945856 through 858. It's 22 an e-mail from you to Michael Perfetto 23 and others dated September 1 st, 2011, 24 cntitled oxymorphone ER pharmacy 25 MR. MAIER: Objection to 26 form. 27 ausbmitted by wholesalers or 38 distributors. 4 Carea distributors. 5 THE WITNESS: So this is a 6 chargeback data available, submit to you, correct? 10 Q. Mm-hmm. For what purpose? 11 A. So they submit it actually 12 for – for the most part, for finance 13 purpose. 14 Q. So that if they are entitled 15 to a chargeback, then you can then pay 16 them based on the date that that they 17 submit to you, correct? 28 MR. MAIER: Object to form. 29 Q. Okay. And this allows you 20 to track which pharmacies are dispensing 21 your drugs, correct? 22 MR. MAIER: Object to form. 23 THE WITNESS: So this idoes 24 have pharmacy level. data. 2 Dyou see that? 2 A. Yes. 2 Do you see that? 3 A. A. Yes. 4 A. Yes. 9 Q. Okay. And this allow you 10 track which pharmacies are dispensing 20 your drugs, correct? 21 MR. MAIER: Object to form. 22 MR. MAIER: Object to form. 23 THE WITNESS: So this does 24 have pharmacy level data.		Page 181		Page 182
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9 BY MS. BAIG: 10 Q. Mm-hmm. For what purpose? 11 A. So they submit it actually 12 for for the most part, for finance 13 purpose. 14 Q. So that if they are entitled 15 to a chargeback, then you can then pay 16 them based on the date that that they 17 submit to you, correct? 18 A. Yes. 19 Q. Okay. And this allows you 20 to track which pharmacies are dispensing 21 your drugs, correct? 22 MR. MAIER: Object to form. 23 THE WITNESS: So this does 2 Q. Why do you say in theory? A. Just because this is a newly 1a launched product in a small volume, so this is due to the phase of launch, and we can see how where the product is going. 15 Q. But generally speaking, the chargeback data allows you to track the drugs to your downstream customers; is that right? MR. MAIER: Object to form. THE WITNESS: That's correct. BY MS. BAIG: Q. And did you have access to	2 3 4 5 6	winding up? MR. MAIER: Objection to form. THE WITNESS: So this is a chargeback data available,	2 3 4 5 6	Q. Does this chargeback data allow you to track your downstream customers? MR. MAIER: Object to form. THE WITNESS: In theory,
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18 A. Yes. 19 Q. Okay. And this allows you 20 to track which pharmacies are dispensing 21 your drugs, correct? 22 MR. MAIER: Object to form. 23 THE WITNESS: So this does 24 that right? 25 MR. MAIER: Object to form. 26 THE WITNESS: That's 27 Correct. 28 BY MS. BAIG: 29 Q. And did you have access to	2 3 4 5 6 7 8 9 10 11 12 13 14 15	winding up? MR. MAIER: Objection to form. THE WITNESS: So this is a chargeback data available, submitted by wholesalers or distributors. BY MS. BAIG: Q. Mm-hmm. For what purpose? A. So they submit it actually for for the most part, for finance purpose. Q. So that if they are entitled to a chargeback, then you can then pay	2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. Does this chargeback data allow you to track your downstream customers? MR. MAIER: Object to form. THE WITNESS: In theory, yes. BY MS. BAIG: Q. Why do you say in theory? A. Just because this is a newly launched product in a small volume, so this is due to the phase of launch, and we can see how where the product is going. Q. But generally speaking, the
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your drugs, correct? MR. MAIER: Object to form. THE WITNESS: So this does 21 correct. BY MS. BAIG: Q. And did you have access to	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	winding up? MR. MAIER: Objection to form. THE WITNESS: So this is a chargeback data available, submitted by wholesalers or distributors. BY MS. BAIG: Q. Mm-hmm. For what purpose? A. So they submit it actually for for the most part, for finance purpose. Q. So that if they are entitled to a chargeback, then you can then pay them based on the date that that they submit to you, correct? A. Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. Does this chargeback data allow you to track your downstream customers? MR. MAIER: Object to form. THE WITNESS: In theory, yes. BY MS. BAIG: Q. Why do you say in theory? A. Just because this is a newly launched product in a small volume, so this is due to the phase of launch, and we can see how where the product is going. Q. But generally speaking, the chargeback data allows you to track the drugs to your downstream customers; is that right?
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THE WITNESS: So this does 23 Q. And did you have access to	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	winding up? MR. MAIER: Objection to form. THE WITNESS: So this is a chargeback data available, submitted by wholesalers or distributors. BY MS. BAIG: Q. Mm-hmm. For what purpose? A. So they submit it actually for for the most part, for finance purpose. Q. So that if they are entitled to a chargeback, then you can then pay them based on the date that that they submit to you, correct? A. Yes. Q. Okay. And this allows you to track which pharmacies are dispensing	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. Does this chargeback data allow you to track your downstream customers? MR. MAIER: Object to form. THE WITNESS: In theory, yes. BY MS. BAIG: Q. Why do you say in theory? A. Just because this is a newly launched product in a small volume, so this is due to the phase of launch, and we can see how where the product is going. Q. But generally speaking, the chargeback data allows you to track the drugs to your downstream customers; is that right? MR. MAIER: Object to form. THE WITNESS: That's
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21 have pharmacy level data.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	winding up? MR. MAIER: Objection to form. THE WITNESS: So this is a chargeback data available, submitted by wholesalers or distributors. BY MS. BAIG: Q. Mm-hmm. For what purpose? A. So they submit it actually for for the most part, for finance purpose. Q. So that if they are entitled to a chargeback, then you can then pay them based on the date that that they submit to you, correct? A. Yes. Q. Okay. And this allows you to track which pharmacies are dispensing your drugs, correct? MR. MAIER: Object to form.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Does this chargeback data allow you to track your downstream customers? MR. MAIER: Object to form. THE WITNESS: In theory, yes. BY MS. BAIG: Q. Why do you say in theory? A. Just because this is a newly launched product in a small volume, so this is due to the phase of launch, and we can see how where the product is going. Q. But generally speaking, the chargeback data allows you to track the drugs to your downstream customers; is that right? MR. MAIER: Object to form. THE WITNESS: That's correct. BY MS. BAIG:
	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	winding up? MR. MAIER: Objection to form. THE WITNESS: So this is a chargeback data available, submitted by wholesalers or distributors. BY MS. BAIG: Q. Mm-hmm. For what purpose? A. So they submit it actually for for the most part, for finance purpose. Q. So that if they are entitled to a chargeback, then you can then pay them based on the date that that they submit to you, correct? A. Yes. Q. Okay. And this allows you to track which pharmacies are dispensing your drugs, correct? MR. MAIER: Object to form. THE WITNESS: So this does	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. Does this chargeback data allow you to track your downstream customers? MR. MAIER: Object to form. THE WITNESS: In theory, yes. BY MS. BAIG: Q. Why do you say in theory? A. Just because this is a newly launched product in a small volume, so this is due to the phase of launch, and we can see how where the product is going. Q. But generally speaking, the chargeback data allows you to track the drugs to your downstream customers; is that right? MR. MAIER: Object to form. THE WITNESS: That's correct. BY MS. BAIG: Q. And did you have access to

	Page 185		Page 186
1	A. Yeah, I have access.	1	give them a certain amount of money based
2	Q. Where was the chargeback	2	on that sum; is that right?
3	data stored?	3	A. No. So the report is since
4	A. It's in the company's ERP	4	launching July 15th, so you see as of
5	system.	5	August 31st. So that means that this is
6	Q. When you look at the first	6	from July 15th to August 31st. And this
7	page of the chargeback data, do you see,	7	is the chargeback, the number of bottles,
8	for example, it lists it lists access	8	that's two bottles, submitted by the
9	drugs as the first row. Do you see that?	9	wholesalers that the drug went to this
10	A. Yes.	10	particular pharmacy.
11	Q. And then it has the address	11	So it's a number of
12	of access drugs in Chattanooga,	12	bottles not necessarily received, but
13	Tennessee. And the product identifier	13	submitted by the wholesaler to claim
14	identifies which product we are talking	14	chargeback.
15	about, right?	15	Q. So you would then pay the
16	A. Yes.	16	wholesaler a chargeback amount based on
17	Q. And what is the "sum to"	17	two bottles; is that right?
18	there, what does that refer to there?	18	A. That's correct.
19	A. That's the number of bottles	19	Q. Whatever the agreed upon
20	submitted chargeback from the period	20	amount was that would be reflected in the
21	identified in the in running the	21	contract; is that right?
22	report.	22	MR. MAIER: Objection to
23	Q. So they would receive	23	form.
24	what what does the sum tell you? You	24	THE WITNESS: So the
	Page 187		Page 188
1	agreed there is such thing as	1	monitoring.
2	agreed agreed upon quantity.	2	BY MS. BAIG:
3	The chargeback is is a the	3	Q. And do you know if anyone
4	difference between the WAC price	4	was tracking the chargeback data for
5	and the contract price, the	5	purposes of suspicious order monitoring?
6	difference is the chargeback.	6	MR. MAIER: Object to form.
7	BY MS. BAIG:	7	THE WITNESS: So we have a
8	Q. So that difference would be	8	fairly extensive suspicious order
9 10	paid for two bottles for this particular	9	monitoring program. And the
	row?	10	product manager will be looking at
11	A. Yes.	11	this. But we also rely on the
12 13	Q. Okay. Did you use this	12	system to set flags to to flag
13	chargeback data for purposes of	13	the suspicious activity.
15	suspicious order monitoring? MS. VENTURA: Objection to	14	BY MS. BAIG:
16	form.	15	Q. That's the automated system
17	MR. MAIER: Objection to	16	we discussed earlier?
18	form.	17	A. Yes.
()	101111.	18	Q. And do you know when that
	THE WITNESS. In COMP	1 ^	
19	THE WITNESS: In so we	19	was put in place?
19 20	have a suspicious order monitoring	20	MS. VENTURA: Objection to
19 20 21	have a suspicious order monitoring system, the Safe and Secure in	20 21	MS. VENTURA: Objection to form.
19 20 21 22	have a suspicious order monitoring system, the Safe and Secure in ValueTrak that would have this	20 21 22	MS. VENTURA: Objection to form. THE WITNESS: I don't
19 20 21	have a suspicious order monitoring system, the Safe and Secure in	20 21	MS. VENTURA: Objection to form.

	Page 189		Page 190
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1	2011.	1	really stands out as of today.
2	BY MS. BAIG:	2	(Document marked for
3	Q. Did you yourself work with	3	identification as Exhibit
4	the chargeback data at all for purposes	4	Allergan-McCormick-11.)
5	of suspicious order monitoring?	5	BY MS. BAIG:
6	A. It's a small team, so I	6	Q. I'll have this document
7	certainly participated in many of the	7	marked as as Exhibit 11.
8	activities.	8	This document is Bates
9	Q. But my question specifically	9	stamped Actavis 1129567 through 568.
10	is whether you worked with chargeback	10	However, I note that 568 is a multi-page
11	data to review chargeback data for	11	document entitled morphine ER capsules
12	purposes of suspicious order monitoring?	12	chargeback trend details.
13	A. So chargeback data could	13	And here is an e-mail from
14	be I mean, we could receive chargeback	14	you to Rachelle Galant and others dated
15	data on many, many product. And	15	February 7, 2012, with the subject
16	certainly chargeback data is one of the	16	morphine ER CB trend details. Do you see
17	tools that we would use to, yeah, to do	17	that?
18	the suspicious order monitoring.	18	A. Yes.
19	Q. Do you recall any specific	19	Q. Okay. And you are stating
20	instances when you looked at chargeback	20	here that "we can run trend report for
21	data for suspicious order monitoring	21	the indirect store level too."
22	purposes for an opioid?	22	Do you see that?
23	A. So much is day-to-day	23	A. Yes.
24	activity, I don't recall anything that	24	Q. You go on to state, "It
1			
	Page 191		Page 192
1	might be helpful occasionally for a	1	data shows products that are already
2	might be helpful occasionally for a variety of purposes, e.g., monitoring	1 2	data shows products that are already shipped?
2 3	might be helpful occasionally for a variety of purposes, e.g., monitoring product placement, SOM(?)" you have a		data shows products that are already shipped? A. Yes.
2 3 4	might be helpful occasionally for a variety of purposes, e.g., monitoring product placement, SOM(?)" you have a question mark there "unusable, change	2	data shows products that are already shipped? A. Yes. Q. And was that why there was a
2 3 4 5	might be helpful occasionally for a variety of purposes, e.g., monitoring product placement, SOM(?)" you have a question mark there "unusable, change in trend in CB."	2 3	data shows products that are already shipped? A. Yes. Q. And was that why there was a question mark placed as to whether or not
2 3 4	might be helpful occasionally for a variety of purposes, e.g., monitoring product placement, SOM(?)" you have a question mark there "unusable, change	2 3 4	data shows products that are already shipped? A. Yes. Q. And was that why there was a
2 3 4 5	might be helpful occasionally for a variety of purposes, e.g., monitoring product placement, SOM(?)" you have a question mark there "unusable, change in trend in CB."	2 3 4 5	data shows products that are already shipped? A. Yes. Q. And was that why there was a question mark placed as to whether or not
2 3 4 5 6 7 8	might be helpful occasionally for a variety of purposes, e.g., monitoring product placement, SOM(?)" you have a question mark there "unusable, change in trend in CB." Do you see that? A. Yes. Q. And CB is chargeback, right?	2 3 4 5 6	data shows products that are already shipped? A. Yes. Q. And was that why there was a question mark placed as to whether or not it would be useful for suspicious order monitoring? MR. MAIER: Objection to
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	Page 193		Page 194
1		1	Q. And in the far right column
1 2	Q. So you yourself would	2	there's a number of 27,625?
3	actually go into the chargeback system	3	A. Yes.
4	and run the data. You wouldn't simply	4	
	request it from somebody else; is that	5	_
5	right?		A. That's the sum of the prior
6	A. I could actually request from someone else.	6	four period. Q. The sum of what?
7			`
8	Q. So when you're saying, "I	8	A. Of the 2,984, the 12,301,
9	will run this monthly for your team," did	9	11,011 and 1,329.
10	you wind up doing that? Did you run	10	Q. Right. But what do those
11	chargeback data monthly for the team?	11	figures reflect?
12	MS. VENTURA: Objection to	12	A. Oh, those are the bottles.
13	form.	13	Q. The number of bottles of
14	THE WITNESS: I don't recall	14	morphine sulfate that were charged back?
15	whether I run it or I requested it	15	A. Yes.
16	and someone else run the report.	16	(Document marked for
17	BY MS. BAIG:	17	identification as Exhibit
18	Q. Okay. You had it run.	18	Allergan-McCormick-12.)
19	Okay.	19	BY MS. BAIG:
20	And if you look at the first	20	Q. I'll have this document
21	page of the chargeback trend details, it	21	marked as Exhibit 12. This is a document
22	starts with morphine sulfate.	22	Bates-stamped ACTAVIS_328319 through
23	Do you see that?	23	328335. It starts as an e-mail from you
24	A. Yes.	24	to Michael Dorsey, Mike Perfetto, Ara
	Page 195		Page 196
	1030 170		Page 190
1		1	A. Yes.
1 2	Aprahamian, dated January 10th, 2012.	1 2	
			A. Yes.
2	Aprahamian, dated January 10th, 2012. The subject is, "Dr. Schwartz -	2	A. Yes. Q. I'm looking at the last
2 3	Aprahamian, dated January 10th, 2012. The subject is, "Dr. Schwartz - pharmacies."	2 3	A. Yes. Q. I'm looking at the last page, and it says Actavis/inVentiv. Do
2 3 4	Aprahamian, dated January 10th, 2012. The subject is, "Dr. Schwartz - pharmacies." Do you see that?	2 3 4	A. Yes. Q. I'm looking at the last page, and it says Actavis/inVentiv. Do you know whether he worked at Actavis or
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	Page 197		Page 198
1	THE WITNESS: I do not have	1	Q. And he goes on to state, "I
2	knowledge of her training.	2	told her that we would send out
3	BY MS. BAIG:	3	communication to the retail pharmacies in
4	Q. Do you have knowledge that	4	the Oklahoma area and make sure they have
5	that in fact happened?	5	access to generic Kadian."
6	A. I do not have knowledge of	6	Do you see that?
7	that.	7	A. Yes.
8	Q. Okay. I think I misspoke	8	Q. Is that is that sort of
9	when I said Michelle Altier. I meant	9	communication something that you would
10	Jennifer.	10	have been in charge of?
11	A. Jennifer.	11	A. No.
12	Q. Did you know who I was	12	Q. And so why is he looping you
13	talking to talking about?	13	in on all of this?
14	A. I think so.	14	MR. MAIER: Objection to
15	Q. Okay. All right. So	15	form.
16	there's an e-mail here from Patrick	16	THE WITNESS: Because I was
17	McClanahan to Nathalie Leitch towards the	17	in charge of the generic Kadian.
18	beginning of the string. And he says he	18	And their pharmacy could not
19	spoke with Dr. Schwartz's office late	19	so, basically, the patient could
20	Friday and that they're having trouble	20	not find the generic Kadian at a
21	finding generic Kadian.	21	local pharmacy.
22	Do you see that general	22	BY MS. BAIG:
23	reference?	23	Q. Okay. So who is going to
24	A. Yes.	24	be who's going to do the communication
	Page 199		Page 200
1	to the pharmacy? That's Patrick	1	in Oklahoma City could not get product.
2	McClanahan's job?	2	It came to me. I was asking the team how
3	A. Oh, you mean as a "we," what	3	could we get the product to this
4	that "we" might be?	4	pharmacy. Those were some of the
5	Q. "We would send" "I told	5	suggestions.
6	her that we would send out communication	6	Q. I see. And do you see at
7	to the retail pharmacies." Who is it	7	the top of the page where it states,
8	that's sending out communications to the	8	"Need to put some generic Kadian to the
9	retail pharmacies about generic Kadian?	9	following pharmacies in Oklahoma City.
10	A. I do not know.	10	This doctor is one of the top prescribers
11	Q. You don't know. That	11	in Kadian."
12	typically wouldn't come from your	12	Do you see that?
13	department?	13	A. Yes.
14	A. No.	14	Q. And you wrote that?
15	Q. And do you see a little	15	A. I wrote that.
16	further up the page, there's a reference.	16	Q. How did you know that he was
17	It says, "Mike D., Steve, what would you	17	one of the top prescribers in Kadian?
18	suggest? Can you call the distribution	18	A. I must have talked to Nathalie and her team.
19	center to send products? For CVS, would	19	
20	we call wholesaler or call pharmacy	20	Q. Well, what data would have
21 22	directly?"	21	been available to you or Nathalie that
	Do you know what that is	22	would show that Dr. Schultz (sic) was a
23	referring to? A. Yes. Because this pharmacy	23 24	top prescriber? MS. VENTURA: Objection.
	A LES DECAUSE HIIS DUALIDACY	. 44	IVIS. VENTORA: ODICCIOII.
24	71. Test Because this pharmacy		

	Page 201		Page 202
1		1	
1	MR. MAIER: Objection.	1	MS. VENTURA: Objection,
2	Form. Foundation.	2	foundation.
3 4	THE WITNESS: I did not have	3 4	MR. MAIER: Object to form.
	direct access to the Kadian	_	THE WITNESS: I think any
5 6	prescriber data. But Nathalie and her team had data.	5 6	brand company would have
7	BY MS. BAIG:	7	prescriber data. BY MS. BAIG:
	Q. Where does that data come	8	
8 9		9	Q. You mean my question is, did Actavis have the prescriber data?
10	from, the prescriber data?	10	-
11	MS. GERMANO: Objection to	11	MS. VENTURA: Objection, foundation.
12	form.	12	
13	THE WITNESS: So the data	13	MR. MAIER: Objection. THE WITNESS: I think
14	could come from either Wolters Kluwer or IMS.	14	
15	BY MS. BAIG:	15	Actavis did have Kadian prescriber data.
16		16	BY MS. BAIG:
17	Q. Okay. So I thought you	17	
18	testified earlier that you did not	18	Q. And did it have generic Kadian prescriber data?
19	purchase prescriber data from IMS?	19	A. See, I didn't have access to
20	A. For the generic business, I	20	that data. I don't know what was in the
21	did not purchase any data with prescriber details.	21	data.
22		22	
23	Q. So for the brand name	23	Q. But if you look further down, we're talking about generic Kadian.
24	opioids, the company was purchasing prescriber data?	24	We're not talking about brand name
24	prescriber data?	24	were not taiking about brand name
	Page 203		Page 204
	5		rage 204
1		1	THE WITNESS: So Actavis had
1 2	Kadian, right?	1 2	THE WITNESS: So Actavis had
		_	
2	Kadian, right? MR. MAIER: Objection to	2	THE WITNESS: So Actavis had the prescriber data for Kadian.
2 3	Kadian, right? MR. MAIER: Objection to form.	2 3	THE WITNESS: So Actavis had the prescriber data for Kadian. The prescriber data didn't
2 3 4	Kadian, right? MR. MAIER: Objection to form. THE WITNESS: That's	2 3 4	THE WITNESS: So Actavis had the prescriber data for Kadian. The prescriber data didn't necessarily distinguish whether
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2 3 4 5 6	Kadian, right? MR. MAIER: Objection to form. THE WITNESS: That's correct. But when doctor writes a script, I don't so doctor	2 3 4 5 6	THE WITNESS: So Actavis had the prescriber data for Kadian. The prescriber data didn't necessarily distinguish whether it's brand or generic. BY MS. BAIG:
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR. MAIER: Objection to form. THE WITNESS: That's correct. But when doctor writes a script, I don't so doctor typically writes the brand name. When the product was dispensed at a pharmacy, pharmacy could have the option to substitute it with a generic product. So doctor typically do not write generic product, just in general. BY MS. BAIG: Q. But my question is simply whether or not Actavis had access to prescriber data for generic Kadian. This e-mail seems to suggest that it did, because it states that this is one of the top prescribers. MR. MAIER: Object to form.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	THE WITNESS: So Actavis had the prescriber data for Kadian. The prescriber data didn't necessarily distinguish whether it's brand or generic. BY MS. BAIG: Q. I see. And that prescriber data came from IMS? A. Yes. MS. VENTURA: Objection. Form. THE WITNESS: Well, let me correct. Could come from IMS. It could also come from Wolters Kluwer. BY MS. BAIG: Q. And where was the data housed at Actavis? MS. VENTURA: Objection. Foundation. THE WITNESS: I don't know. BY MS. BAIG:

	Page 205		Page 206
1	Q. If you had wanted to know	1	THE WITNESS: I'm not sure.
2	something that would be found in the	2	BY MS. BAIG:
3	prescriber data, who would you have asked	3	Q. Do you have any
4	for it?	4	understanding of what was meant by that
5	A. I would ask Nathalie.	5	when he sent this e-mail?
6	Q. Do you see on the first page	6	MR. BAILEY: Foundation.
7	of the document, towards the bottom, in	7	THE WITNESS: Judging from
8	an e-mail from Michael Dorsey to you and	8	the trailing e-mails, people were
9	others. In the middle of the e-mail	9	talking about different ways we
10	Michael Dorsey notes, "We are spending a	10	could do to get the product to the
11	lot of resources for this one doctor. If	11	pharmacy. I think that's what
12	Patrick below has already discussed with	12	Michael Dorsey was referring to.
13	Tatia, I would have him ask her to	13	BY MS. BAIG:
14	fax/call in a request for the store to	14	Q. In terms of spending a lot
15	stock. Store will do so knowing that the	15	of resources for this one doctor?
16	patient is coming in there."	16	A. Yes.
17	What what's being	17	Q. And your response above is
18	referred to as a lot of resources being	18	that "per Nathalie, this is a huge
19	spent for this one doctor, Dr. Schwartz?	19	prescriber - largest prescriber in the
20	MR. MAIER: Objection.	20	country," correct?
21	Foundation.	21	A. Yes.
22	MS. VENTURA: Objection.	22	Q. And was that to suggest that
23	Foundation.	23	it's okay it's understandable to spend
24	MR. BAILEY: Object to form.	24	more resources for this one prescriber
	<u>.</u>		•
	Page 207		Page 208
1	because he is such a huge prescriber?	1	A. No, I did not.
2	MS. GERMANO: Objection.		
1	MS. GERMANO. Objection.	2	
3	Form.	2 3	Q. I meant Schwartz, Dr. Schwartz.
3 4	Form.		Q. I meant Schwartz, Dr. Schwartz.
	•	3	Q. I meant Schwartz, Dr. Schwartz. Same answer, correct?
4 5	Form. MS. VENTURA: Objection to form.	3 4 5	Q. I meant Schwartz, Dr. Schwartz. Same answer, correct? A. Same answer, I did not
4	Form. MS. VENTURA: Objection to form. MR. MAIER: Object to form.	3 4	Q. I meant Schwartz, Dr. Schwartz. Same answer, correct? A. Same answer, I did not research.
4 5 6 7	Form. MS. VENTURA: Objection to form. MR. MAIER: Object to form. THE WITNESS: See, my team	3 4 5 6 7	Q. I meant Schwartz, Dr. Schwartz. Same answer, correct? A. Same answer, I did not research. Q. Did you, in addition to the
4 5 6	Form. MS. VENTURA: Objection to form. MR. MAIER: Object to form. THE WITNESS: See, my team did not know, you know, any of	3 4 5 6 7 8	Q. I meant Schwartz, Dr. Schwartz. Same answer, correct? A. Same answer, I did not research. Q. Did you, in addition to the data tracking services we've already
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4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Form. MS. VENTURA: Objection to form. MR. MAIER: Object to form. THE WITNESS: See, my team did not know, you know, any of these doctors. Typically we don't really get to the pharmacy level. So what Mike was suggesting is you just have the pharmacy call the wholesalers and we have product at the wholesalers and the pharmacy can just can just order from the wholesalers. So what I'm saying, he's a large prescriber, so that's why we're helping to get the product to the pharmacy.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. I meant Schwartz, Dr. Schwartz. Same answer, correct? A. Same answer, I did not research. Q. Did you, in addition to the data tracking services we've already discussed, also use ValueTrak to provide data? A. Can you repeat your question again? Q. Did you use ValueTrak to provide data? A. We used ValueTrak to analyze data. Q. Okay. What type of analysis did ValueTrak provide? A. So ValueTrak was a service that insert itself between the
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Form. MS. VENTURA: Objection to form. MR. MAIER: Object to form. THE WITNESS: See, my team did not know, you know, any of these doctors. Typically we don't really get to the pharmacy level. So what Mike was suggesting is you just have the pharmacy call the wholesalers and we have product at the wholesalers and the pharmacy can just can just order from the wholesalers. So what I'm saying, he's a large prescriber, so that's why we're helping to get the product to the pharmacy. BY MS. BAIG:	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. I meant Schwartz, Dr. Schwartz. Same answer, correct? A. Same answer, I did not research. Q. Did you, in addition to the data tracking services we've already discussed, also use ValueTrak to provide data? A. Can you repeat your question again? Q. Did you use ValueTrak to provide data? A. We used ValueTrak to analyze data. Q. Okay. What type of analysis did ValueTrak provide? A. So ValueTrak was a service that insert itself between the wholesalers and the manufacturers for the
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Form. MS. VENTURA: Objection to form. MR. MAIER: Object to form. THE WITNESS: See, my team did not know, you know, any of these doctors. Typically we don't really get to the pharmacy level. So what Mike was suggesting is you just have the pharmacy call the wholesalers and we have product at the wholesalers and the pharmacy can just can just order from the wholesalers. So what I'm saying, he's a large prescriber, so that's why we're helping to get the product to the pharmacy. BY MS. BAIG: Q. Did you ever do any research	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. I meant Schwartz, Dr. Schwartz. Same answer, correct? A. Same answer, I did not research. Q. Did you, in addition to the data tracking services we've already discussed, also use ValueTrak to provide data? A. Can you repeat your question again? Q. Did you use ValueTrak to provide data? A. We used ValueTrak to analyze data. Q. Okay. What type of analysis did ValueTrak provide? A. So ValueTrak was a service that insert itself between the wholesalers and the manufacturers for the EDI data. So the EDI data particularly
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Form. MS. VENTURA: Objection to form. MR. MAIER: Object to form. THE WITNESS: See, my team did not know, you know, any of these doctors. Typically we don't really get to the pharmacy level. So what Mike was suggesting is you just have the pharmacy call the wholesalers and we have product at the wholesalers and the pharmacy can just can just order from the wholesalers. So what I'm saying, he's a large prescriber, so that's why we're helping to get the product to the pharmacy. BY MS. BAIG:	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. I meant Schwartz, Dr. Schwartz. Same answer, correct? A. Same answer, I did not research. Q. Did you, in addition to the data tracking services we've already discussed, also use ValueTrak to provide data? A. Can you repeat your question again? Q. Did you use ValueTrak to provide data? A. We used ValueTrak to provide data? A. We used ValueTrak to analyze data. Q. Okay. What type of analysis did ValueTrak provide? A. So ValueTrak was a service that insert itself between the wholesalers and the manufacturers for the EDI data. So the EDI data particularly has the chargeback data, the inventory
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Form. MS. VENTURA: Objection to form. MR. MAIER: Object to form. THE WITNESS: See, my team did not know, you know, any of these doctors. Typically we don't really get to the pharmacy level. So what Mike was suggesting is you just have the pharmacy call the wholesalers and we have product at the wholesalers and the pharmacy can just can just order from the wholesalers. So what I'm saying, he's a large prescriber, so that's why we're helping to get the product to the pharmacy. BY MS. BAIG: Q. Did you ever do any research to see how many of your pills wound up	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. I meant Schwartz, Dr. Schwartz. Same answer, correct? A. Same answer, I did not research. Q. Did you, in addition to the data tracking services we've already discussed, also use ValueTrak to provide data? A. Can you repeat your question again? Q. Did you use ValueTrak to provide data? A. We used ValueTrak to analyze data. Q. Okay. What type of analysis did ValueTrak provide? A. So ValueTrak was a service that insert itself between the wholesalers and the manufacturers for the EDI data. So the EDI data particularly

	Page 209		Page 210
1	wholesalers, quantity of our product at	1	service that you're receiving from
2	the wholesalers, as well as the	2	ValueTrak and the service that you're
3	quantities that moved from the	3	receiving from IMS?
4	wholesalers to the pharmacies.	4	MS. VENTURA: Objection to
5	(Document marked for	5	form.
6	identification as Exhibit	6	THE WITNESS: Those two were
7	Allergan-McCormick-13.)	7	very, very different services.
8	BY MS. BAIG:	8	So ValueTrak used Actavis
9	Q. Let's have this document	9	data, so the data provided to
10	marked as Exhibit 13.	10	Actavis from wholesalers and
11	All right. This document is	11	distributors through electronic
12	Bates stamped ALLERGAN_MDL_01213261	12	transfer system.
13	through 3265.	13	So it's actual data supplied
14	It starts as an e-mail from	14	by wholesalers of Actavis product
15	you to Rachelle Galant and Ara Aprahamian	15	only.
16	dated January 27, 2012.	16	IMS collects their own data
17	And it's titled Actavis -	17	for all the products in the market
18	ValueTrak renewal (trading partners).	18	to the extent that data were
19	And is Conrad Morgiewicz the	19	available, and then project the
20	contact that you had at ValueTrak for	20	data to include the entire market.
21	analyzing data?	21	So data was not 100 percent
22	A. Conrad was the sales account	22	collected. And the data also
23	manager for our account.	23	includes more than just Actavis
24	Q. What is different about the	24	product.
	Page 211		Page 212
1	BY MS. BAIG:	1	IMS, like the market share report. But
2	Q. So Actavis would provide	2	if it says chargeback data, it was never
3	ValueTrak with chargeback data, correct?	3	from IMS.
4	A. So, yeah, ValueTrak	4	Q. Okay. But what did you need
5	received so ValueTrak received the	5	ValueTrak for? Why couldn't you just use
6	data that that the wholesalers	6	the chargeback data in your own system to
7	provided to Actavis.	7	create those reports? What was what
8	Q. Okay. And what do they do	8	added value was ValueTrak giving?
9	with it?	9	MR. MAIER: Object to form.
10	A. So the service of ValueTrak	10	THE WITNESS: So the data
11	provided an easy user interface to allow	11	coming back, coming from
12	the easier analysis and trending of those	12	wholesalers were just voluminous.
13	data. And the data were voluminous.	13	We didn't have a very good
14	Q. So when you created some of	14	internal system to make those data
15	your trending reports that we looked at	15	to be user friendly.
16	earlier, were you using IMS data or were	16	BY MS. BAIG:
17	you using ValueTrak analysis?	17	Q. To be used for what, simply
18	MS. GERMANO: Objection to	18	for paying back the chargebacks?
19	form.	19	A. So the chargeback system
20	BY MS. BAIG:	20	actually were really a financial system
21	Q. Or both?	21	to pay the chargeback.
22	A. It depends on which report	22	We had the system but not
23	you're talking about. So if it's	23	user friendly in the way so it's not easy
		1 0 1	
24	specific labeled IMS, then it was from	24	to not user friendly to view the data,

Page 213 Page 214 1 to maybe analyze the data --1 working with ValueTrak? Do you know? 2 Q. Analyze for what purpose? 2 A. I don't remember A. See, for product marketing, specifically. But during my tenure 3 3 4 we want to know the customer, how the 4 there. product was flowing. And so for general 5 5 Q. Do you remember generally? business purpose, that's how you manage Was it right at the beginning of your 6 6 7 the product. 7 tenure or was it toward the end or 8 8 somewhere in the middle? O. What was the Safe and Secure 9 training session? 9 A. I think somewhere in the A. Safe and Secure was one of 10 10 middle. It wasn't 2004. 11 the modules that ValueTrak created. And 11 Q. Do you recall whether it was in or about 2011? 12 we -- so we originally had the ValueTrak 12 A. 2011, I certainly think we for, you know, for the -- for the 13 13 inventory management, for the inventory 14 had that in 2011. 14 15 movement and those data. 15 Q. ValueTrak? 16 A. Yeah. The Safe and Secure was 16 17 added to help with the suspicious order 17 Q. You said that you were using ValueTrak because -- for product monitoring at the pharmacy level. 18 18 19 So we just had a training or 19 marketing, you want to know the customer looking at what our modules could do and and how the product was flowing. What 20 20 21 how we could use that for the purpose of 21 did you need ValueTrak for in terms of suspicious order monitoring. 22 knowing the customer and how the product 22 23 Q. And did you bring 23 was flowing that you could not see from ValueTrak -- when did Actavis start your own internal records? 24 24 Page 215 Page 216 1 MR. KNAPP: Form. 1 already has so much product, we 2 might not want to ship additional 2 THE WITNESS: I mean, this 3 3 product to them," because when the is actually a really large topic. product expires, the product can 4 If I were to give you example, 4 5 with ValueTrak you could see --5 be returned to the manufacturers. 6 you can select the time period, 6 So we don't want that to happen. 7 the time period that you want 7 When product was returned, you 8 that's in the system to see the 8 know, there was credit, there is 9 current inventory level, for 9 financial burden to do that. So example, at, say, Amerisource. 10 that's just one example. 10 11 And it also shows how many units 11 Or if the particular a DC moved out of Amerisource to was very low on inventory, for 12 12 some reason wholesaler could have 13 pharmacies, to their customers. 13 14 For example, if I see at a 14 just missed it, right. Maybe they particular -- at Amerisource an 15 didn't order in time. We 15 16 inventory level of a particular 16 potentially could alert them. product is really high, it's not And also different trending. 17 17 moving, then we have reason to 18 So we could see, hey, this -- you 18 ask, if it's, say, more than their 19 19 know, the sales at a particular 20 usual level of inventory, we would 20 wholesaler was going up or stable ask, "Why didn't this move?" We or down. It would just help us 21 21 22 would explore the reason. 22 to, you know, to ask the questions Another way to say is, "Hey, and figure out what went on. 23 23 24 if this particular wholesaler 24 BY MS. BAIG:

	Page 217		Page 218
1		1	A. It's one of the data in
1 2	Q. And you can track you can	2	
	track the sales not only through your		that ValueTrak actually has and it could
3	customers, but also to their customers;	3	analyze. Q. I see. What is 852 data?
4	is that right?	4	`
5	MR. MAIER: Objection to	5	A. 852 is the inventory level
6	form.	6	at wholesalers.
7	MS. VENTURA: Objection to	7	Q. Let's have this this
8	form.	8	document marked as Exhibit 16, please. MR. MAIER: I think it
9	THE WITNESS: So we could	9	
10	see the quantities typically	10	jumped from 13 to 16.
11	from that moved off from the	11	MS. BAIG: Okay. Let's mark
12	wholesalers to their customers.	12	it 14.
13	BY MS. BAIG:	13	MS. GERMANO: This is 13?
14	Q. And you can see which	14	MS. VENTURA: No, this is 14
15	customers they moved to, correct?	15	that she's marking.
16	MS. VENTURA: Objection to	16	(Document marked for
17	form.	17	identification as Exhibit
18	MR. MAIER: Objection to	18	Allergan-McCormick-14.)
19	form.	19	BY MS. BAIG:
20	THE WITNESS: You could from	20	Q. This is a document
21	the 867 data.	21	Bates-stamped ALLERGAN_MDL_00226918
22	BY MS. BAIG:	22	through 6692. Starts as an e-mail from
23	Q. And where was the 867 data	23	you from Mike Perfetto and Ara Aprahamian
24	housed?	24	dated February 27, 2012. And if you turn
	Page 219		Page 220
			rage 220
1		1	
1 2	to the second-to-last page, you see		February 26, 2009?
2	to the second-to-last page, you see "Amendment 3 to Hosted Services	1 2 3	February 26, 2009? MS. VENTURA: Objection to
2	to the second-to-last page, you see "Amendment 3 to Hosted Services Agreement."	2	February 26, 2009? MS. VENTURA: Objection to form.
2 3 4	to the second-to-last page, you see "Amendment 3 to Hosted Services Agreement." Do you have an understanding	2 3 4	February 26, 2009? MS. VENTURA: Objection to form. THE WITNESS: That's not
2 3 4 5	to the second-to-last page, you see "Amendment 3 to Hosted Services Agreement." Do you have an understanding of what this contract is?	2 3 4 5	February 26, 2009? MS. VENTURA: Objection to form. THE WITNESS: That's not correct because if you look at,
2 3 4 5 6	to the second-to-last page, you see "Amendment 3 to Hosted Services Agreement." Do you have an understanding of what this contract is? A. Yes.	2 3 4 5 6	February 26, 2009? MS. VENTURA: Objection to form. THE WITNESS: That's not correct because if you look at, this is amendment to the
2 3 4 5 6 7	to the second-to-last page, you see "Amendment 3 to Hosted Services Agreement." Do you have an understanding of what this contract is? A. Yes. Q. What is it?	2 3 4 5 6 7	February 26, 2009? MS. VENTURA: Objection to form. THE WITNESS: That's not correct because if you look at, this is amendment to the original amendment, so there is
2 3 4 5 6 7 8	to the second-to-last page, you see "Amendment 3 to Hosted Services Agreement." Do you have an understanding of what this contract is? A. Yes. Q. What is it? A. It's agreement between	2 3 4 5 6 7 8	February 26, 2009? MS. VENTURA: Objection to form. THE WITNESS: That's not correct because if you look at, this is amendment to the original amendment, so there is Amendment Number 1 effective 2011,
2 3 4 5 6 7 8	to the second-to-last page, you see "Amendment 3 to Hosted Services Agreement." Do you have an understanding of what this contract is? A. Yes. Q. What is it? A. It's agreement between ValueTrak to provide the service to	2 3 4 5 6 7	February 26, 2009? MS. VENTURA: Objection to form. THE WITNESS: That's not correct because if you look at, this is amendment to the original amendment, so there is Amendment Number 1 effective 2011, February 10, 2011, and Amendment
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2 3 4 5 6 7 8 9 10	to the second-to-last page, you see "Amendment 3 to Hosted Services Agreement." Do you have an understanding of what this contract is? A. Yes. Q. What is it? A. It's agreement between ValueTrak to provide the service to Actavis. Q. And it references an initial	2 3 4 5 6 7 8 9	February 26, 2009? MS. VENTURA: Objection to form. THE WITNESS: That's not correct because if you look at, this is amendment to the original amendment, so there is Amendment Number 1 effective 2011, February 10, 2011, and Amendment 2, effective December 28th in 2011.
2 3 4 5 6 7 8 9 10 11	to the second-to-last page, you see "Amendment 3 to Hosted Services Agreement." Do you have an understanding of what this contract is? A. Yes. Q. What is it? A. It's agreement between ValueTrak to provide the service to Actavis. Q. And it references an initial agreement made as of February 26, 2009.	2 3 4 5 6 7 8 9 10 11 12	February 26, 2009? MS. VENTURA: Objection to form. THE WITNESS: That's not correct because if you look at, this is amendment to the original amendment, so there is Amendment Number 1 effective 2011, February 10, 2011, and Amendment 2, effective December 28th in 2011. BY MS. BAIG:
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	to the second-to-last page, you see "Amendment 3 to Hosted Services Agreement." Do you have an understanding of what this contract is? A. Yes. Q. What is it? A. It's agreement between ValueTrak to provide the service to Actavis. Q. And it references an initial agreement made as of February 26, 2009. Do you see that? A. Yes. Q. Does that refresh your recollection that Actavis and ValueTrak I see here it's referred to ValueCentric. Is that the same company, do you know? A. So ValueTrak is the tool. ValueCentric is the company.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	February 26, 2009? MS. VENTURA: Objection to form. THE WITNESS: That's not correct because if you look at, this is amendment to the original amendment, so there is Amendment Number 1 effective 2011, February 10, 2011, and Amendment 2, effective December 28th in 2011. BY MS. BAIG: Q. So there's a in that and if you look down to the "whereas" clause, it says, "Whereas, ValueCentric and Actavis have entered into that certain hosted services agreement made as of February 26, 2009." So I'm just wondering, and you tell me if I'm wrong, if the initial agreement was February 26, 2009, and the

	Page 221		Page 222
1	understanding?	1	hosted service. They have a name called
2	MS. GERMANO: Objection.	2	ValueTrak. The company is called
3	Foundation.	3	ValueCentric.
4	THE WITNESS: The original	4	Q. And the service encompasses
5	was 29 2009. Then there were	5	the analysis of the data?
6	two amendments. And this	6	MS. VENTURA: Objection to
7	attachment was the third amendment	7	form.
8	to the original agreement.	8	THE WITNESS: The
9	BY MS. BAIG:	9	ValueCentric, the service, has
10	Q. Got it. So the first	10	different modules of service. And
11	agreement was February 26, 2009?	11	it depends on what you what
12	MS. VENTURA: Objection to	12	your agreement was I mean
13	form.	13	covered.
14	BY MS. BAIG:	14	BY MS. BAIG:
15	Q. Is that right?	15	Q. And when you used the term
16	A. Yes.	16	"ValueTrak" earlier, are you talking
17	Q. And now that I understand	17	about all of those services or are you
18	that that's a difference between	18	talking about one specific part of it?
19	ValueCentric and ValueTrak and you said	19	A. We just talk about the tool
20	ValueTrak is the tool. When you say	20	and whatever the service that we agreed
21	tool, what exactly do you mean by tool?	21	to, you know, to cover.
22	Is it a computer system or what is it?	22	Q. And what is the tool?
23	A. It's this hosted service. I	23	A. So the tool started out as
24	don't know how to explain this. It's a	24	a, you know, inventory primarily
	Page 223		Page 224
1	inventory management, the at the	1	Q. Okay. So if you see at
2	wholesaler level. The movement in terms	2	the at the top of the first page, you
3	of product movement from wholesalers. It	3	start, "Because we added many small
4	started out as that tool, then morphed	4	trading partners, there is addition setup
5	into additional capability that included	5	fee of 16,200, (2700 per partner setup)
6	the Safe and Secure module that could be	6	and additional monthly fee of 1,620,
7	used, really was used for suspicious	7	(\$270 per partner addition)."
8	order monitoring.	8	So is is this is this
9	Q. Okay. And the ValueTrak	9	an example of how you were charged by
10	tool, is that a computer system, an	10	ValueCentric? Were you charged on a per
	automated system?	11	. 1
11			partner basis in terms of them providing
12	A. It's well, everything is	12	you with access to and visibility to the
12 13	A. It's well, everything is a computer system. It's how can I		you with access to and visibility to the customer data?
12 13 14	A. It's well, everything is a computer system. It's how can I explain? This this is a tool that was	12 13 14	you with access to and visibility to the customer data? MR. MAIER: Objection, form.
12 13 14 15	A. It's well, everything is a computer system. It's how can I explain? This this is a tool that was used to to help us with the objectives	12 13 14 15	you with access to and visibility to the customer data? MR. MAIER: Objection, form. THE WITNESS: This is just
12 13 14 15 16	A. It's well, everything is a computer system. It's how can I explain? This this is a tool that was used to to help us with the objectives that we set out to do. It is on the	12 13 14 15 16	you with access to and visibility to the customer data? MR. MAIER: Objection, form. THE WITNESS: This is just the additional charge because of
12 13 14 15 16 17	A. It's well, everything is a computer system. It's how can I explain? This this is a tool that was used to to help us with the objectives that we set out to do. It is on the desktop. It is hosted by ValueCentric.	12 13 14 15 16 17	you with access to and visibility to the customer data? MR. MAIER: Objection, form. THE WITNESS: This is just the additional charge because of additional trading partner. The
12 13 14 15 16 17 18	A. It's well, everything is a computer system. It's how can I explain? This this is a tool that was used to to help us with the objectives that we set out to do. It is on the desktop. It is hosted by ValueCentric. And accessed by accessed by the	12 13 14 15 16 17 18	you with access to and visibility to the customer data? MR. MAIER: Objection, form. THE WITNESS: This is just the additional charge because of additional trading partner. The prior agreement, it was I don't
12 13 14 15 16 17 18 19	A. It's well, everything is a computer system. It's how can I explain? This this is a tool that was used to to help us with the objectives that we set out to do. It is on the desktop. It is hosted by ValueCentric. And accessed by accessed by the approved users.	12 13 14 15 16 17 18 19	you with access to and visibility to the customer data? MR. MAIER: Objection, form. THE WITNESS: This is just the additional charge because of additional trading partner. The prior agreement, it was I don't remember what the agreement was,
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12 13 14 15 16 17 18 19 20 21 22 23	A. It's well, everything is a computer system. It's how can I explain? This this is a tool that was used to to help us with the objectives that we set out to do. It is on the desktop. It is hosted by ValueCentric. And accessed by accessed by the approved users. Q. I see. So you would have a password and you could enter it you could access it yourself from your desktop at Actavis?	12 13 14 15 16 17 18 19 20 21 22 23	you with access to and visibility to the customer data? MR. MAIER: Objection, form. THE WITNESS: This is just the additional charge because of additional trading partner. The prior agreement, it was I don't remember what the agreement was, but it was a negotiated total. BY MS. BAIG: Q. Okay. And because you're adding new partners, some of whom are
12 13 14 15 16 17 18 19 20 21 22	A. It's well, everything is a computer system. It's how can I explain? This this is a tool that was used to to help us with the objectives that we set out to do. It is on the desktop. It is hosted by ValueCentric. And accessed by accessed by the approved users. Q. I see. So you would have a password and you could enter it you could access it yourself from your	12 13 14 15 16 17 18 19 20 21 22	you with access to and visibility to the customer data? MR. MAIER: Objection, form. THE WITNESS: This is just the additional charge because of additional trading partner. The prior agreement, it was I don't remember what the agreement was, but it was a negotiated total. BY MS. BAIG: Q. Okay. And because you're

	Page 225		Page 226
1	for the service; is that right?	1	distributors to include in the service.
2	A. That's correct.	2	Q. Okay. And then as time went
3	Q. Okay. And you state here,	3	on, you added some?
4	"My question is: What's our SOM risk of	4	A. Yeah.
5	not having many of them? We don't need	5	Q. Do you know who was using
6	the small guys for inventory management	6	ValueTrak, if anyone, for purposes of
7	perspective."	7	suspicious order monitoring?
8	Did you ever receive an	8	A. So the product manager did a
9	answer as to what the SOM risk was of not	9	lot of the work on a daily basis to
10	having many of them?	10	monitor these suspicious order
11	A. I don't remember.	11	monitoring, to be part of the process.
12	Q. Do you recall whether all of	12	Q. And did the product managers
13	these were added?	13	have access to ValueTrak?
14	A. I don't remember.	14	A. Certainly.
15	Q. Do you recall what factored	15	Q. And do you know whether they
16	into the analysis as to whether to	16	were required or what their requirements
17	include some trading partners and not	17	were in terms of checking ValueTrak or
18	others in the ValueTrak	18	any other data with respect to your
19	MR. MAIER: Objection to	19	customers and your customers'
20	form and foundation.	20	customers
21	BY MS. BAIG:	21	MR. MAIER: Object to form.
22	Q portfolio?	22	BY MS. BAIG:
23	A. We started out by really the	23	Q in implementing
24	largest one, largest wholesalers and the	24	suspicious order monitoring?
	ingest one, ingest who testies and the		suspicious order momenting.
	D 227		
	Page 227		Page 228
1	A. As part of daily running the	1	Page 228 Q. When you started at
1 2		1 2	
	A. As part of daily running the		Q. When you started at
2	A. As part of daily running the business, it is their job to look, you know, to manage the product and if they had the opioids, it would be part of the	2	Q. When you started at Alpharma, was there a very comprehensive suspicious order monitoring system in place?
2	A. As part of daily running the business, it is their job to look, you know, to manage the product and if they had the opioids, it would be part of the daily activity in terms of, you know, the	2 3 4 5	Q. When you started at Alpharma, was there a very comprehensive suspicious order monitoring system in place? MS. VENTURA: Objection to
2 3 4	A. As part of daily running the business, it is their job to look, you know, to manage the product and if they had the opioids, it would be part of the	2 3 4	Q. When you started at Alpharma, was there a very comprehensive suspicious order monitoring system in place?
2 3 4 5	A. As part of daily running the business, it is their job to look, you know, to manage the product and if they had the opioids, it would be part of the daily activity in terms of, you know, the	2 3 4 5	Q. When you started at Alpharma, was there a very comprehensive suspicious order monitoring system in place? MS. VENTURA: Objection to
2 3 4 5 6	A. As part of daily running the business, it is their job to look, you know, to manage the product and if they had the opioids, it would be part of the daily activity in terms of, you know, the suspicious order monitoring.	2 3 4 5 6	Q. When you started at Alpharma, was there a very comprehensive suspicious order monitoring system in place? MS. VENTURA: Objection to form, foundation.
2 3 4 5 6 7	A. As part of daily running the business, it is their job to look, you know, to manage the product and if they had the opioids, it would be part of the daily activity in terms of, you know, the suspicious order monitoring. Q. So was it your understanding	2 3 4 5 6 7	Q. When you started at Alpharma, was there a very comprehensive suspicious order monitoring system in place? MS. VENTURA: Objection to form, foundation. MS. GERMANO: Objection to
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2 3 4 5 6 7 8 9 10 11 12 13	A. As part of daily running the business, it is their job to look, you know, to manage the product and if they had the opioids, it would be part of the daily activity in terms of, you know, the suspicious order monitoring. Q. So was it your understanding that part of their daily activities was to check ValueTrak for suspicious orders on a daily basis? MR. MAIER: Object to form. THE WITNESS: So the so as a part of the automated system	2 3 4 5 6 7 8 9 10 11 12 13	Q. When you started at Alpharma, was there a very comprehensive suspicious order monitoring system in place? MS. VENTURA: Objection to form, foundation. MS. GERMANO: Objection to form. THE WITNESS: I was not aware of that, because I was not managing product when I first started. BY MS. BAIG: Q. Okay. Did you ever hear about any sort of suspicious order
2 3 4 5 6 7 8 9 10 11 12 13 14	A. As part of daily running the business, it is their job to look, you know, to manage the product and if they had the opioids, it would be part of the daily activity in terms of, you know, the suspicious order monitoring. Q. So was it your understanding that part of their daily activities was to check ValueTrak for suspicious orders on a daily basis? MR. MAIER: Object to form. THE WITNESS: So the so as a part of the automated system was there were flags set up. It	2 3 4 5 6 7 8 9 10 11 12 13 14	Q. When you started at Alpharma, was there a very comprehensive suspicious order monitoring system in place? MS. VENTURA: Objection to form, foundation. MS. GERMANO: Objection to form. THE WITNESS: I was not aware of that, because I was not managing product when I first started. BY MS. BAIG: Q. Okay. Did you ever hear
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	Page 229		Page 230
1	form.	1	Q. Do you remember generally a
2	MR. MAIER: Object to form.	2	general time frame?
3	THE WITNESS: When we had as	3	A. I don't.
4	part of the business activity or	4	Q. You don't remember whether
5	when whenever we had Schedule	5	it was 2005 or 2011?
6	II drugs, there was, you know, a	6	MR. MAIER: Objection to
7	lot of on-the-job training, and we	7	form.
8	had annual training in terms of	8	THE WITNESS: I don't.
9	the things that we need to be	9	BY MS. BAIG:
10	compliant. And Schedule II,	10	Q. Can you narrow it down,
11	whoever managed the Schedule II	11	whether it's closer to 2005 or 2011 or
12	would have understanding of what's	12	you just
13	required to handle a Schedule II	13	MS. GERMANO: Objection.
14	drug.	14	BY MS. BAIG:
15	BY MS. BAIG:	15	Q you have no memory of
16	Q. Do you remember those any	16	suspicious order monitoring?
17	of those trainings?	17	MS. GERMANO: Objection.
18	A. Not specifically.	18	Form.
19	Q. What was what's the	19	THE WITNESS: I really
20	earliest training that you recall	20	it's been so long, I really don't
21	actually being at on suspicious order	21	have a good frame of reference in
22	monitoring?	22	terms of timeline.
23	A. I don't recall specific	23	BY MS. BAIG:
24	dates.	24	Q. Okay. What suspicious order
	Page 231		Page 232
1	Page 231	1	Page 232
1 2	monitoring training do you recall being	1 2	(Document marked for
2	monitoring training do you recall being at specifically, if any?	2	(Document marked for identification as Exhibit
2 3	monitoring training do you recall being at specifically, if any? A. We had general training on	2 3	(Document marked for identification as Exhibit Allergan-McCormick-15.)
2 3 4	monitoring training do you recall being at specifically, if any? A. We had general training on legal and compliance, and suspicious	2 3 4	(Document marked for identification as Exhibit Allergan-McCormick-15.) BY MS. BAIG:
2 3 4 5	monitoring training do you recall being at specifically, if any? A. We had general training on legal and compliance, and suspicious order monitoring could be part of that.	2 3 4 5	(Document marked for identification as Exhibit Allergan-McCormick-15.) BY MS. BAIG: Q. Let's have this document
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2 3 4 5 6 7	monitoring training do you recall being at specifically, if any? A. We had general training on legal and compliance, and suspicious order monitoring could be part of that. Q. Do you recall it specifically being part of that?	2 3 4 5 6 7	(Document marked for identification as Exhibit Allergan-McCormick-15.) BY MS. BAIG: Q. Let's have this document marked as Exhibit 15. This document is Bates
2 3 4 5 6 7 8	monitoring training do you recall being at specifically, if any? A. We had general training on legal and compliance, and suspicious order monitoring could be part of that. Q. Do you recall it specifically being part of that? A. We had a regular training on	2 3 4 5 6 7 8	(Document marked for identification as Exhibit Allergan-McCormick-15.) BY MS. BAIG: Q. Let's have this document marked as Exhibit 15. This document is Bates stamped Acquired_Actavis_00951998 through
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	monitoring training do you recall being at specifically, if any? A. We had general training on legal and compliance, and suspicious order monitoring could be part of that. Q. Do you recall it specifically being part of that? A. We had a regular training on the legal and compliance. I don't recall a specific suspicious order monitoring training. Q. You don't recall, is that what you said? A. I don't. MR. MAIER: Do you mind if we take a quick break? MS. BAIG: Sure. THE VIDEOGRAPHER: Going off the record. The time is 2:39. (Short break.) THE VIDEOGRAPHER: We are	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	(Document marked for identification as Exhibit Allergan-McCormick-15.) BY MS. BAIG: Q. Let's have this document marked as Exhibit 15. This document is Bates stamped Acquired_Actavis_00951998 through 2005. It starts with an e-mail from Rachelle Galant to you dated March 9, 2012. The subject is Actavis 852/867 data. Can you explain again the difference between the 852 and the 867 data please? A. 852 is the level of inventory data at the wholesalers. 867 is the quantities that moved from wholesalers to their customers. Q. And it starts off from

	Page 233		Page 234
1 1	methylphenidate, morphine, oxy, oxy IBu,	1	Q. Okay. And it appears here
	and Prometh) annually warranted	2	that a certain threshold was set up for
	monitoring through ValueTrak. That would	3	certain trading partners, that they would
	eliminate most of the additional trading	4	not be added to the ValueTrak system
	partners that we were adding except for	5	unless they had purchased a certain
,	Value. What are your thoughts?"	6	amount of of the drug; is that right?
7	And I'm wondering if this	7	MR. MAIER: Objection to
	refreshes your recollection that	8	form.
	refreshes your recollection with respect	9	THE WITNESS: That's the
	to the analysis that went into	10	content of Rachelle's e-mail.
	determining which partners were being	11	BY MS. BAIG:
	added to the ValueTrak system?	12	
13	•		Q. Okay. And do you was it
14	MR. MAIER: Objection to	13	your understanding that that was actually
	form.	14	implemented, that that was put into
15	THE WITNESS: I mean I'm	15	place, that there was a sort of threshold
16	reading the e-mail.	16	before adding adding certain trading
	BY MS. BAIG:	17	partners to the ValueTrak system?
18	Q. Okay. Do you remember when	18	MR. MAIER: Objection to
	we were talking about trading partners	19	form.
	being added, potentially added to the	20	THE WITNESS: I don't
I .	ValueTrak system? When you looked at	21	remember the specifics.
I .	Exhibit 14 there was a list of potential	22	BY MS. BAIG:
	trading partners to be added?	23	Q. Do you remember generally?
24	A. Yes.	24	A. I remember we were debating
	Page 235		Page 236
1	who to add to the ValueTrak system.	1	A. It's Value Drug.
2	Q. And do you remember that	2	Q. Okay. And do you know
3	there were potentially thresholds set up	3	whether most of these were actually
4	for warranting monitoring through	4	eliminated or not?
5	ValueTrak as was stated in the first line	5	A. I do not remember that.
6	here?	6	Q. Okay. Can you tell me what
7	MS. VENTURA: Objection.	7	IQVIA data is?
8	MR. MAIER: Objection to	8	A. That's the new name for IMS.
9	form.	9	Q. Oh. So I-Q-V-I-A is the
10	THE WITNESS: I actually	10	same as IMS Data?
11	don't remember until I saw this	11	A. Yes.
12	e-mail.	12	Q. Did the data change when it
13	BY MS. BAIG:	13	changed names at all or
14	Q. Does this e-mail refresh	14	A. No. IMS was acquired by
15	your recollection that that happened, or	15	someone and changed the corporate name.
16	do you know if it happened?	16	Q. Okay. Well, that's good. I
17	A. I don't know if it happened.	17	thought we had a whole other data
18	Q. It goes on to state, "That	18	analysis to go through.
19	would eliminate most of the additional	19	A. IQVIA.
20	trading partners that we were adding,	20	Q. Okay. Now going back to
21	except for Value."	21	ValueTrak for a moment. My understanding
22	Do you see that?	22	from the testimony is that ValueTrak only
23	A. I saw that.	23	provided you with visibility on your
24	Q. Is Value a trading partner?	24	customers and your customers' customers,
	Z. 15 , alae a dualing partner.	44	customers and your customers customers,

	Page 237		Page 238
1	but it did not provide you with	1	
2	visibility on your competitors'	1	Q. Did you have access to data
3	customers; is that correct?	2	that showed you the highest dispensing
4	A. That's correct.	3	pharmacies?
5		4	MR. MAIER: Objection to
6	Q. Okay. And if you wanted to	5	form. THE WITNESS: I never I
7	see if a pharmacy, or how much how	6	
8	much oxycodone a pharmacy was dispensing, what data would you look to see that?	7	did not. BY MS. BAIG:
9	A. We did not have visibility	8	
10	to that.	10	Q. Do you know if the company did or not?
11	Q. So you could not see how	11	
12	much a pharmacy was dispensing other than	12	MS. VENTURA: Objection to form.
13	for your own data?	13	THE WITNESS: I was not
14	A. That's correct.	14	
15	Let me correct this. We	15	aware. BY MS. BAIG:
16	could not see how much a pharmacy	16	Q. And yet we saw the e-mail
17	could I mean were dispensing other	17	before showing that you had visibility to
18	people's, and we could not see how much a	18	who was the highest prescribing
19	pharmacy was dispensing even if they	19	physician?
20	had the pharmacy had our product but	20	MR. MAIER: Objection to
21	if they did not submit chargeback data.	21	form.
22	So the pharmacy the	22	MS. VENTURA: Objection to
23	visibility only came from either	23	form.
24	chargeback or 867 data.	24	BY MS. BAIG:
	Page 239		Page 240
1	Q. So you're saying you had	1	Q. Okay.
2	visibility into the highest prescribers,	2	(Document marked for
3			(=
	but not the highest dispensers in terms	3	identification as Exhibit
4	of pharmacies?	3 4	identification as Exhibit Allergan-McCormick-16.)
4 5			identification as Exhibit
4	of pharmacies?	4	identification as Exhibit Allergan-McCormick-16.)
4 5	of pharmacies? MS. GERMANO: Same	4 5	identification as Exhibit Allergan-McCormick-16.) BY MS. BAIG:
4 5 6 7 8	of pharmacies? MS. GERMANO: Same objection. MR. MAIER: Objection to form.	4 5 6	identification as Exhibit Allergan-McCormick-16.) BY MS. BAIG: Q. Let's have this document
4 5 6 7 8 9	of pharmacies? MS. GERMANO: Same objection. MR. MAIER: Objection to form. THE WITNESS: I did not have	4 5 6 7	identification as Exhibit Allergan-McCormick-16.) BY MS. BAIG: Q. Let's have this document marked as Exhibit 16. Would Nathalie, in addition to having the highest prescriber data,
4 5 6 7 8 9	of pharmacies? MS. GERMANO: Same objection. MR. MAIER: Objection to form. THE WITNESS: I did not have visibility to the highest or to	4 5 6 7 8 9	identification as Exhibit Allergan-McCormick-16.) BY MS. BAIG: Q. Let's have this document marked as Exhibit 16. Would Nathalie, in addition to having the highest prescriber data, would Nathalie Leitch also have had the
4 5 6 7 8 9 10 11	of pharmacies? MS. GERMANO: Same objection. MR. MAIER: Objection to form. THE WITNESS: I did not have visibility to the highest or to any of the prescriber on a regular	4 5 6 7 8 9 10 11	identification as Exhibit Allergan-McCormick-16.) BY MS. BAIG: Q. Let's have this document marked as Exhibit 16. Would Nathalie, in addition to having the highest prescriber data, would Nathalie Leitch also have had the highest dispensing data?
4 5 6 7 8 9 10 11 12	of pharmacies? MS. GERMANO: Same objection. MR. MAIER: Objection to form. THE WITNESS: I did not have visibility to the highest or to any of the prescriber on a regular basis.	4 5 6 7 8 9 10 11 12	identification as Exhibit Allergan-McCormick-16.) BY MS. BAIG: Q. Let's have this document marked as Exhibit 16. Would Nathalie, in addition to having the highest prescriber data, would Nathalie Leitch also have had the highest dispensing data? MR. MAIER: Objection.
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4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	of pharmacies? MS. GERMANO: Same objection. MR. MAIER: Objection to form. THE WITNESS: I did not have visibility to the highest or to any of the prescriber on a regular basis. BY MS. BAIG: Q. But you saw from the prior e-mail that Nathalie Leitch appeared to have it, correct? MS. GERMANO: Objection. MR. MAIER: Objection to form. THE WITNESS: Nathalie,	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	identification as Exhibit Allergan-McCormick-16.) BY MS. BAIG: Q. Let's have this document marked as Exhibit 16. Would Nathalie, in addition to having the highest prescriber data, would Nathalie Leitch also have had the highest dispensing data? MR. MAIER: Objection. MS. VENTURA: Objection. Foundation. THE WITNESS: I do not know. BY MS. BAIG: Q. Okay. The next document is not Bates stamped on the pages, but we have a Bates stamp number that is Actavis 0712859 because it's an Excel
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	of pharmacies? MS. GERMANO: Same objection. MR. MAIER: Objection to form. THE WITNESS: I did not have visibility to the highest or to any of the prescriber on a regular basis. BY MS. BAIG: Q. But you saw from the prior e-mail that Nathalie Leitch appeared to have it, correct? MS. GERMANO: Objection. MR. MAIER: Objection to form. THE WITNESS: Nathalie, being the head of the Kadian	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	identification as Exhibit Allergan-McCormick-16.) BY MS. BAIG: Q. Let's have this document marked as Exhibit 16. Would Nathalie, in addition to having the highest prescriber data, would Nathalie Leitch also have had the highest dispensing data? MR. MAIER: Objection. MS. VENTURA: Objection. Foundation. THE WITNESS: I do not know. BY MS. BAIG: Q. Okay. The next document is not Bates stamped on the pages, but we have a Bates stamp number that is Actavis 0712859 because it's an Excel spreadsheet. I think you guys were
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	of pharmacies? MS. GERMANO: Same objection. MR. MAIER: Objection to form. THE WITNESS: I did not have visibility to the highest or to any of the prescriber on a regular basis. BY MS. BAIG: Q. But you saw from the prior e-mail that Nathalie Leitch appeared to have it, correct? MS. GERMANO: Objection. MR. MAIER: Objection to form. THE WITNESS: Nathalie, being the head of the Kadian marketing, would have it, but I	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	identification as Exhibit Allergan-McCormick-16.) BY MS. BAIG: Q. Let's have this document marked as Exhibit 16. Would Nathalie, in addition to having the highest prescriber data, would Nathalie Leitch also have had the highest dispensing data? MR. MAIER: Objection. MS. VENTURA: Objection. Foundation. THE WITNESS: I do not know. BY MS. BAIG: Q. Okay. The next document is not Bates stamped on the pages, but we have a Bates stamp number that is Actavis 0712859 because it's an Excel spreadsheet. I think you guys were unable to Bates stamp it. It's labeled
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	of pharmacies? MS. GERMANO: Same objection. MR. MAIER: Objection to form. THE WITNESS: I did not have visibility to the highest or to any of the prescriber on a regular basis. BY MS. BAIG: Q. But you saw from the prior e-mail that Nathalie Leitch appeared to have it, correct? MS. GERMANO: Objection. MR. MAIER: Objection to form. THE WITNESS: Nathalie, being the head of the Kadian marketing, would have it, but I did not have it.	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	identification as Exhibit Allergan-McCormick-16.) BY MS. BAIG: Q. Let's have this document marked as Exhibit 16. Would Nathalie, in addition to having the highest prescriber data, would Nathalie Leitch also have had the highest dispensing data? MR. MAIER: Objection. MS. VENTURA: Objection. Foundation. THE WITNESS: I do not know. BY MS. BAIG: Q. Okay. The next document is not Bates stamped on the pages, but we have a Bates stamp number that is Actavis 0712859 because it's an Excel spreadsheet. I think you guys were unable to Bates stamp it. It's labeled at the top, "Top 254 target Kadian
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	of pharmacies? MS. GERMANO: Same objection. MR. MAIER: Objection to form. THE WITNESS: I did not have visibility to the highest or to any of the prescriber on a regular basis. BY MS. BAIG: Q. But you saw from the prior e-mail that Nathalie Leitch appeared to have it, correct? MS. GERMANO: Objection. MR. MAIER: Objection to form. THE WITNESS: Nathalie, being the head of the Kadian marketing, would have it, but I	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	identification as Exhibit Allergan-McCormick-16.) BY MS. BAIG: Q. Let's have this document marked as Exhibit 16. Would Nathalie, in addition to having the highest prescriber data, would Nathalie Leitch also have had the highest dispensing data? MR. MAIER: Objection. MS. VENTURA: Objection. Foundation. THE WITNESS: I do not know. BY MS. BAIG: Q. Okay. The next document is not Bates stamped on the pages, but we have a Bates stamp number that is Actavis 0712859 because it's an Excel spreadsheet. I think you guys were unable to Bates stamp it. It's labeled

	Page 241		Page 242
1	data, June 2011 through May 2012."	1	Q. Okay. This document you can
2	MS. VENTURA: We'll just	2	see is a list of prescribers, if you look
3	note for the record that the	3	at third column, do you see that?
4	confidentiality designation went	4	MS. VENTURA: Objection.
5	with the native file. So this	5	Foundation.
6	should also be confidential.	6	THE WITNESS: Yes.
7	MS. BAIG: Okay.	7	BY MS. BAIG:
8	BY MS. BAIG:	8	Q. Okay. I mean is that how
9	Q. And the heading goes on to	9	you read it, it says prescriber at the
10	state, "Targets with more than 50 Kardian	10	top of the column?
11	sorry "Kadian scripts in the last	11	A. Yes. I would read that way.
12	six months and more than five scripts'	12	Q. Okay. The next category is
13	growth in the last three over three	13	Kadian prescriptions. Do you see that?
14	months."	14	A. Yes.
15	All right. Have you seen	15	Q. And it shows numbers of
16	have you seen this document before?	16	prescriptions?
17	A. No, I have not.	17	MS. VENTURA: Objection.
18	Q. Have you seen a document	18	Foundation.
19	like it before?	19	BY MS. BAIG:
20	MR. MAIER: Objection to	20	Q. Is that how you read it,
21	form.	21	does it show numbers of prescriptions?
22	THE WITNESS: I don't	22	MS. VENTURA: Same
23	remember.	23	objection.
24	BY MS. BAIG:	24	THE WITNESS: That's what it
	Page 243		Page 244
1	says, Kadian prescriptions.	1	A. Yes.
2	BY MS. BAIG:	2	Q. And it provides numbers of
3	Q. Right. Okay. And then it	3	prescriptions for Michael Schwartz.
4	gives the numbers of Kadian prescriptions	4	Do you see that?
5	for various time periods.	5	MS. VENTURA: Objection.
6	Do you see that?	6	Foundation.
7	MS. VENTURA: Objection.	7	THE WITNESS: Yes.
8	Foundation.	8	BY MS. BAIG:
9	THE WITNESS: Yes.	9	Q. Okay. And do you see, if
10	BY MS. BAIG:	10 11	you move further across the page it
11			
1 0	Q. Okay. And do you recall	1	appears that he is the second highest
12	talking about Dr. Michael Schwartz in	12	prescriber for Kadian, with 16 with
13	talking about Dr. Michael Schwartz in connection with an e-mail a little bit	12 13	prescriber for Kadian, with 16 with 1,663 prescriptions?
13 14	talking about Dr. Michael Schwartz in connection with an e-mail a little bit earlier?	12 13 14	prescriber for Kadian, with 16 with 1,663 prescriptions? MS. VENTURA: Objection.
13 14 15	talking about Dr. Michael Schwartz in connection with an e-mail a little bit earlier? A. I remember that name from	12 13 14 15	prescriber for Kadian, with 16 with 1,663 prescriptions? MS. VENTURA: Objection. Foundation.
13 14 15 16	talking about Dr. Michael Schwartz in connection with an e-mail a little bit earlier? A. I remember that name from that e-mail.	12 13 14 15 16	prescriber for Kadian, with 16 with 1,663 prescriptions? MS. VENTURA: Objection. Foundation. THE WITNESS: That's what
13 14 15 16 17	talking about Dr. Michael Schwartz in connection with an e-mail a little bit earlier? A. I remember that name from that e-mail. Q. And in the e-mail he was	12 13 14 15 16 17	prescriber for Kadian, with 16 with 1,663 prescriptions? MS. VENTURA: Objection. Foundation. THE WITNESS: That's what the data says.
13 14 15 16 17 18	talking about Dr. Michael Schwartz in connection with an e-mail a little bit earlier? A. I remember that name from that e-mail. Q. And in the e-mail he was noted as one of the highest prescribers,	12 13 14 15 16 17 18	prescriber for Kadian, with 16 with 1,663 prescriptions? MS. VENTURA: Objection. Foundation. THE WITNESS: That's what the data says. BY MS. BAIG:
13 14 15 16 17 18 19	talking about Dr. Michael Schwartz in connection with an e-mail a little bit earlier? A. I remember that name from that e-mail. Q. And in the e-mail he was noted as one of the highest prescribers, if not the highest prescriber?	12 13 14 15 16 17 18 19	prescriber for Kadian, with 16 with 1,663 prescriptions? MS. VENTURA: Objection. Foundation. THE WITNESS: That's what the data says. BY MS. BAIG: Q. And that would have been
13 14 15 16 17 18 19 20	talking about Dr. Michael Schwartz in connection with an e-mail a little bit earlier? A. I remember that name from that e-mail. Q. And in the e-mail he was noted as one of the highest prescribers, if not the highest prescriber? A. I remember that from the	12 13 14 15 16 17 18 19 20	prescriber for Kadian, with 16 with 1,663 prescriptions? MS. VENTURA: Objection. Foundation. THE WITNESS: That's what the data says. BY MS. BAIG: Q. And that would have been 1,663 prescriptions for the 12 months
13 14 15 16 17 18 19 20 21	talking about Dr. Michael Schwartz in connection with an e-mail a little bit earlier? A. I remember that name from that e-mail. Q. And in the e-mail he was noted as one of the highest prescribers, if not the highest prescriber? A. I remember that from the e-mail.	12 13 14 15 16 17 18 19 20 21	prescriber for Kadian, with 16 with 1,663 prescriptions? MS. VENTURA: Objection. Foundation. THE WITNESS: That's what the data says. BY MS. BAIG: Q. And that would have been 1,663 prescriptions for the 12 months from June 2011 through May 2012.
13 14 15 16 17 18 19 20 21 22	talking about Dr. Michael Schwartz in connection with an e-mail a little bit earlier? A. I remember that name from that e-mail. Q. And in the e-mail he was noted as one of the highest prescribers, if not the highest prescriber? A. I remember that from the e-mail. Q. Okay. And do you see here	12 13 14 15 16 17 18 19 20 21 22	prescriber for Kadian, with 16 with 1,663 prescriptions? MS. VENTURA: Objection. Foundation. THE WITNESS: That's what the data says. BY MS. BAIG: Q. And that would have been 1,663 prescriptions for the 12 months from June 2011 through May 2012. Do you see that?
13 14 15 16 17 18 19 20 21 22 23	talking about Dr. Michael Schwartz in connection with an e-mail a little bit earlier? A. I remember that name from that e-mail. Q. And in the e-mail he was noted as one of the highest prescribers, if not the highest prescriber? A. I remember that from the e-mail. Q. Okay. And do you see here that there's Dr. Michael Schwartz listed	12 13 14 15 16 17 18 19 20 21 22 23	prescriber for Kadian, with 16 with 1,663 prescriptions? MS. VENTURA: Objection. Foundation. THE WITNESS: That's what the data says. BY MS. BAIG: Q. And that would have been 1,663 prescriptions for the 12 months from June 2011 through May 2012. Do you see that? MS. VENTURA: Objection.
13 14 15 16 17 18 19 20 21 22	talking about Dr. Michael Schwartz in connection with an e-mail a little bit earlier? A. I remember that name from that e-mail. Q. And in the e-mail he was noted as one of the highest prescribers, if not the highest prescriber? A. I remember that from the e-mail. Q. Okay. And do you see here	12 13 14 15 16 17 18 19 20 21 22	prescriber for Kadian, with 16 with 1,663 prescriptions? MS. VENTURA: Objection. Foundation. THE WITNESS: That's what the data says. BY MS. BAIG: Q. And that would have been 1,663 prescriptions for the 12 months from June 2011 through May 2012. Do you see that?

	5 045		5 046
	Page 245		Page 246
1	THE WITNESS: That appears	1	Okay. But in any event, you see that for
2	to be what the data says.	2	Dr. Michael Schwartz, he's identified as
3	BY MS. BAIG:	3	having 2,608 prescriptions of morphine
4	Q. Okay. And he appears to be	4	sulfate ER for that 12-month period,
5	the second highest prescriber for	5	correct?
6	morphine sulfate ER as well.	6	MS. VENTURA: Objection.
7	Do you see that?	7	Foundation.
8	MS. VENTURA: Objection.	8	THE WITNESS: That's what
9	Foundation.	9	the data shows.
10	THE WITNESS: I don't see	10	BY MS. BAIG:
11	that because there are numbers	11	Q. Okay. If you had wanted to
12	higher than that.	12	see prescriber data like this, who at
13	BY MS. BAIG:	13	Actavis would you have asked for this
14	Q. So the number I see is	14	data?
15	2,608. Is that the number that you're	15	A. I would have asked Nathalie.
16	•	16	(Document marked for
17	looking at?	17	identification as Exhibit
	A. I'm looking at the 2608 yes.		
18	Q. Yes, okay. And I see one	18	Allergan-McCormick-17.)
19	higher, which is 4,281. A-ha. I do see	19	BY MS. BAIG:
20	another higher. In Seattle, are you	20	Q. I'll have this document
21	looking at that one?	21	marked as Exhibit 17.
22	A. Yes. The line below that it	22	Now, did you use direct ads
23	was 3,809.	23	to market generic opioids?
24	Q. Yes, the Seattle doctor.	24	MS. VENTURA: Objection to
	Page 247		Page 248
1	form.	1	Q. Okay.
	101111		
1 2	MR MAIER Objection		
2	MR. MAIER: Objection. THE WITNESS: So this is	2	A. So it's part
3	THE WITNESS: So this is	2 3	A. So it's partQ. This is what's referenced
3 4	THE WITNESS: So this is part of the McKesson Connect.	2 3 4	A. So it's part Q. This is what's referenced here, "DirectRx advertising example,"
3 4 5	THE WITNESS: So this is part of the McKesson Connect. BY MS. BAIG:	2 3 4 5	A. So it's part Q. This is what's referenced here, "DirectRx advertising example," correct?
3 4 5 6	THE WITNESS: So this is part of the McKesson Connect. BY MS. BAIG: Q. So did Actavis use direct	2 3 4 5 6	A. So it's part Q. This is what's referenced here, "DirectRx advertising example," correct? A. Yeah. That's if you were
3 4 5 6 7	THE WITNESS: So this is part of the McKesson Connect. BY MS. BAIG: Q. So did Actavis use direct ads to market generic opioids, whether it	2 3 4 5 6 7	A. So it's part Q. This is what's referenced here, "DirectRx advertising example," correct? A. Yeah. That's if you were if that's what you are talking about.
3 4 5 6 7 8	THE WITNESS: So this is part of the McKesson Connect. BY MS. BAIG: Q. So did Actavis use direct ads to market generic opioids, whether it be through Actavis directly or through a	2 3 4 5 6 7 8	A. So it's part Q. This is what's referenced here, "DirectRx advertising example," correct? A. Yeah. That's if you were if that's what you are talking about. Q. Yeah. I'm looking at the
3 4 5 6 7 8	THE WITNESS: So this is part of the McKesson Connect. BY MS. BAIG: Q. So did Actavis use direct ads to market generic opioids, whether it be through Actavis directly or through a partner that it hired to do so?	2 3 4 5 6 7 8	A. So it's part Q. This is what's referenced here, "DirectRx advertising example," correct? A. Yeah. That's if you were if that's what you are talking about. Q. Yeah. I'm looking at the language on the document that says,
3 4 5 6 7 8 9	THE WITNESS: So this is part of the McKesson Connect. BY MS. BAIG: Q. So did Actavis use direct ads to market generic opioids, whether it be through Actavis directly or through a partner that it hired to do so? MS. VENTURA: Objection to	2 3 4 5 6 7 8 9	A. So it's part Q. This is what's referenced here, "DirectRx advertising example," correct? A. Yeah. That's if you were if that's what you are talking about. Q. Yeah. I'm looking at the language on the document that says, "DirectRx advertising example."
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_	Page 249		Page 250
1	oxymorphone," correct?	1	Practical Pain Management and Pharmacy
2	A. That's what he said.	2	Times."
3	Q. Okay. And do you know	3	Do you see that?
4	whether such a direct ad was created for	4	A. Yes, I saw that.
5	oxymorphone?	5	Q. Okay. And it goes on to
6	MS. VENTURA: Objection to	6	state, "Similar message/graphics is also
7	form.	7	e-mailed to all pharmacies around the
8	THE WITNESS: I don't	8	country about three weeks ago and will be
9	remember.	9	sent again the day after Labor Day."
10	BY MS. BAIG:	10	So are these actions that
11	Q. But you go ahead.	11	were taken directly by your department?
12	A. But I think we executed the	12	A. The message to the
13	program.	13	pharmacies we used, we used a service to
14	Q. Okay. And if you turn to	14	provide that message to the pharmacies.
15	the third page of the document, do you	15	Q. Which service?
16	see there's an e-mail from you to John	16	A. I don't remember exactly.
17	Hansen at McKesson and others, starting,	17	But there were lots of marketing services
18	"John and Wendy"?	18	that could do that.
19	A. Okay.	19	Q. Do you remember some of the
20	Q. And do you see you go on to	20	marketing services that you used other
21	say, "Attached are some background	21	than R&J that we've discussed already?
22	information on the product as well as our	22	A. This will be, for example, a
23	ad, which is delivered to prescribing	23	PDQ, for example. They're a marketing
24	physicians and run in August issue of	24	service. It could be the PharmAlert.
24	physicians and run in August issue of	24	service. It could be the I harmatert.
	Page 251		Page 252
1	That's an e-mail service. That could be	1	with them?
_			
2	providing such service.	2	A. We have typically it's
3	providing such service. Q. PharmAlert, P-H-A-R-M?	2 3	A. We have typically it's
	Q. PharmAlert, P-H-A-R-M?		A. We have typically it's just by project. If this is a project,
3	Q. PharmAlert, P-H-A-R-M?A. P-H-A-R-M. PharmAlert.	3	A. We have typically it's just by project. If this is a project, there will be a quote. And then they
3 4	Q. PharmAlert, P-H-A-R-M?	3 4	A. We have typically it's just by project. If this is a project, there will be a quote. And then they would do the work.
3 4 5	Q. PharmAlert, P-H-A-R-M?A. P-H-A-R-M. PharmAlert.Q. And what does PDQ stand for?A. I don't know. It's all	3 4 5	A. We have typically it's just by project. If this is a project, there will be a quote. And then they would do the work. Q. Okay. And would you have
3 4 5 6	Q. PharmAlert, P-H-A-R-M?A. P-H-A-R-M. PharmAlert.Q. And what does PDQ stand for?	3 4 5 6	A. We have typically it's just by project. If this is a project, there will be a quote. And then they would do the work.
3 4 5 6 7	Q. PharmAlert, P-H-A-R-M? A. P-H-A-R-M. PharmAlert. Q. And what does PDQ stand for? A. I don't know. It's all capital, PDQ. That's the name of a service provider.	3 4 5 6 7	A. We have typically it's just by project. If this is a project, there will be a quote. And then they would do the work. Q. Okay. And would you have had a contract? A. So it's not a contract.
3 4 5 6 7 8	 Q. PharmAlert, P-H-A-R-M? A. P-H-A-R-M. PharmAlert. Q. And what does PDQ stand for? A. I don't know. It's all capital, PDQ. That's the name of a 	3 4 5 6 7 8	A. We have typically it's just by project. If this is a project, there will be a quote. And then they would do the work. Q. Okay. And would you have had a contract?
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3 4 5 6 7 8 9	Q. PharmAlert, P-H-A-R-M? A. P-H-A-R-M. PharmAlert. Q. And what does PDQ stand for? A. I don't know. It's all capital, PDQ. That's the name of a service provider. Q. Okay. And were there any other marketing services that you were	3 4 5 6 7 8 9	A. We have typically it's just by project. If this is a project, there will be a quote. And then they would do the work. Q. Okay. And would you have had a contract? A. So it's not a contract. It's just a quote for the work and then invoice.
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3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. PharmAlert, P-H-A-R-M? A. P-H-A-R-M. PharmAlert. Q. And what does PDQ stand for? A. I don't know. It's all capital, PDQ. That's the name of a service provider. Q. Okay. And were there any other marketing services that you were using to promote generic opioids? MS. VENTURA: Objection to form. THE WITNESS: We use typically these were the two common ones we used to provide service messages to the pharmacies. BY MS. BAIG: Q. And did you did you pay	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. We have typically it's just by project. If this is a project, there will be a quote. And then they would do the work. Q. Okay. And would you have had a contract? A. So it's not a contract. It's just a quote for the work and then invoice. Q. Okay. A. Yeah. Q. And were they the ones that would run the ads in in the issues of Practical Pain Management and Pharmacy Times? A. No. The so our agency would create the piece. And approved by our internal compliance and legal and regulatory. Then our agency will send to the Practical Pain Management and
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. PharmAlert, P-H-A-R-M? A. P-H-A-R-M. PharmAlert. Q. And what does PDQ stand for? A. I don't know. It's all capital, PDQ. That's the name of a service provider. Q. Okay. And were there any other marketing services that you were using to promote generic opioids? MS. VENTURA: Objection to form. THE WITNESS: We use typically these were the two common ones we used to provide service messages to the pharmacies. BY MS. BAIG: Q. And did you did you pay them to do that?	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. We have typically it's just by project. If this is a project, there will be a quote. And then they would do the work. Q. Okay. And would you have had a contract? A. So it's not a contract. It's just a quote for the work and then invoice. Q. Okay. A. Yeah. Q. And were they the ones that would run the ads in in the issues of Practical Pain Management and Pharmacy Times? A. No. The so our agency would create the piece. And approved by our internal compliance and legal and regulatory. Then our agency will send to
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. PharmAlert, P-H-A-R-M? A. P-H-A-R-M. PharmAlert. Q. And what does PDQ stand for? A. I don't know. It's all capital, PDQ. That's the name of a service provider. Q. Okay. And were there any other marketing services that you were using to promote generic opioids? MS. VENTURA: Objection to form. THE WITNESS: We use typically these were the two common ones we used to provide service messages to the pharmacies. BY MS. BAIG: Q. And did you did you pay them to do that? A. For their marketing	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. We have typically it's just by project. If this is a project, there will be a quote. And then they would do the work. Q. Okay. And would you have had a contract? A. So it's not a contract. It's just a quote for the work and then invoice. Q. Okay. A. Yeah. Q. And were they the ones that would run the ads in in the issues of Practical Pain Management and Pharmacy Times? A. No. The so our agency would create the piece. And approved by our internal compliance and legal and regulatory. Then our agency will send to the Practical Pain Management and Pharmacy Times, these publications,

	Page 253		Page 254
1	Q. And when you say our agency,	1	going to a new document, do you
2	are you referring to your advertisement	2	mind going off the record just for
3	agency?	3	a moment?
4	A. Yes. Advertising agency.	4	THE VIDEOGRAPHER: Going off
5	Q. So that would be like R&J?	5	the record. The time is 3:29.
6	A. Yes. Or their equivalent,	6	(Brief pause.)
7	successor.	7	THE VIDEOGRAPHER: Going
8	Q. Okay. But you're not	8	back on the record. Beginning of
9	talking about PDQ and PharmAlert?	9	Media File 8. The time is 3:30.
10	A. No.	10	(Document marked for
11	Q. Okay. And are these the	11	identification as Exhibit
12	the talking points that you suggested	12	Allergan-McCormick-18.)
13	for for what actually for	13	BY MS. BAIG:
14	· ·	14	Q. I'll have this document
15	conversations with pharmacists?	15	marked as Exhibit 18. It's Bates stamped
	Do you see the suggested		-
16	talking points here?	16	ALLERGAN_MDL_02460224 through 226.
17	MR. BAILEY: Objection to	17	And it's an e-mail sent by
18	form.	18	you to Steve Cohen dated January 24,
19	THE WITNESS: Those are the	19	2012, titled oxymorphone prescription
20	suggested talking points for	20	trends. Do you see that?
21	McKesson to use to the pharmacist.	21	A. Yes.
22	BY MS. BAIG:	22	Q. And who is Steve Cohen?
23	Q. Okay.	23	A. He is a person on the sales
24	MS. VENTURA: If we are	24	team.
	Page 255		Page 256
1	Q. Okay. And here there is a	1	towards the end of the document,
2	reference to targeting an e-mail to all	2	there's well, there's an e-mail
3	90,000 pharmacists this Friday. Do you	3	from from David Meyers to you and
4	see that?	4	others, providing you with an update
5	A. Yes, I saw that.	5	regarding the trends on oxymorphone
6	Q. And would this be the type	6	prescription data, correct?
7	of e-mail would this be the type of	7	A. Yes, I saw that.
8	e-mail blast that we discussed earlier	8	Q. Trends through December of
9	that you would either have your	9	2011, correct?
10	advertising agency do or you would do it	10	A. Yes.
11	directly, or did this go through your	11	Q. And he notes that
12	advertising agency?	12	"dispensing data on oxymorphone
13	MR. MAIER: Objection to	13	7.5 milligrams and 15 milligrams
14	form.	14	continues to grow month after month,"
15	THE WITNESS: So the agency	15	correct?
16	created the material and it was	16	A. That's correct.
	executed, so delivered, by one of	17	
17		<u> </u>	Q. And he goes on to state that
17 18	*	10	"xyhan gamnaring July the month xxx
18	the marketing service providers to	18	"when comparing July, the month we
18 19	the marketing service providers to the pharmacies, to the	19	launched, versus December data, we see an
18 19 20	the marketing service providers to the pharmacies, to the pharmacists.	19 20	launched, versus December data, we see an increase of 110 percent on the
18 19 20 21	the marketing service providers to the pharmacies, to the pharmacists. BY MS. BAIG:	19 20 21	launched, versus December data, we see an increase of 110 percent on the 15 milligram and 147 percent on the
18 19 20 21 22	the marketing service providers to the pharmacies, to the pharmacists. BY MS. BAIG: Q. PDQ or PharmAlert?	19 20 21 22	launched, versus December data, we see an increase of 110 percent on the 15 milligram and 147 percent on the 7.5 milligram."
18 19 20 21 22 23	the marketing service providers to the pharmacies, to the pharmacists. BY MS. BAIG: Q. PDQ or PharmAlert? A. Yes.	19 20 21 22 23	launched, versus December data, we see an increase of 110 percent on the 15 milligram and 147 percent on the 7.5 milligram." Do you see that?
18 19 20 21 22	the marketing service providers to the pharmacies, to the pharmacists. BY MS. BAIG: Q. PDQ or PharmAlert?	19 20 21 22	launched, versus December data, we see an increase of 110 percent on the 15 milligram and 147 percent on the 7.5 milligram."

	Page 257		Page 258
1	Q. Did you have a general	1	Do you see that?
2	understanding that sales were increasing	2	A. Yes.
3	in a significant amount at that time?	3	Q. And was it your
4	MR. MAIER: Objection to	4	understanding that the marketing group
5	form.	5	was utilizing the Kadian sales force to
6	THE WITNESS: It should be,	6	promote oxymorphone to pain doctors?
7	because July was launching. When	7	MR. MAIER: Objection to
8	you launch, this is four-month,	8	form.
9	six-month after launch, it should	9	THE WITNESS: Yes. I was
10	be increasing.	10	aware to promote. I think we want
11	BY MS. BAIG:	11	to clarify that promote, really
12		12	just to make it aware of the
	Q. Okay. And you see a little	13	
13	bit further down, it states that "the	14	availability of this product, as
14	marketing group is once again utilizing		those marketing material we had reviewed earlier.
15	the Kadian sales force to promote	15	
16	oxymorphone to pain doctors, as well as	16	BY MS. BAIG:
17	running both direct mail and e-mail	17	Q. And that and you are also
18	promotional programs in January and	18	running both direct mail and e-mail
19	February."	19	promotional programs, correct?
20	Do you see that?	20	A. Yes. So all of these
21	A. Yes.	21	programs were just awareness program. It
22	Q. And he states, "Our goal is	22	wasn't promoting the product on any of
23	to continue the growth trend through	23	the benefits or anything.
24	2012."	24	Q. Did you have an
	Page 259		Page 260
1	understanding of the addictive qualities	1	Q. Do you remember do you
2	of the product at the time?	2	know why Opana ER was discontinued?
3	MR. MAIER: Objection to	3	A. I do not remember why it was
4	form.	4	discontinued. At that time, what we knew
5	THE WITNESS: So product	5	is was not because of safety reason.
6	being Schedule II has addictive	6	Q. You never heard that Opana
7	potential.	7	ER was discontinued because of safety
8	BY MS. BAIG:	8	reasons?
9	Q. And do you know whether the	9	A. It was not it was not
10	Kadian sales force was promoting the	10	because of safety reasons.
11	awareness of the addictive qualities of	11	Q. You know that?
12	oxymorphone to pain doctors?	12	A. That's how we understood at
13	MR. MAIER: Object to form	13	the time.
14	and foundation.	14	Q. Have you come to a different
15	MS. VENTURA: Join in the	15	understanding since then?
16	objection.	16	MR. MAIER: Objection to
17	THE WITNESS: What we asked	17	form.
18	Kadian sales force was just	18	MS. VENTURA: Objection to
19	awareness campaign to the doctors,	19	form.
20	so they are aware, so they the	20	THE WITNESS: I have not
21		21	I have not worked with this
22	doctors were aware of the ability	21	
	of the generic because the		product since I left Actavis. BY MS. BAIG:
23	because Opana ER was discontinued. BY MS. BAIG:	23	
24	DI MS. DAIU.	24	Q. Okay. But you still work

	Page 261		Page 262
1		1	form.
1	with with opioid products, correct?	1	
2	MS. GERMANO: Objection,	2	MS. VENTURA: Objection to
3	form.	3	form. THE WITNESS: We did not
4	THE WITNESS: I do now.	4	
5	BY MS. BAIG:	5	track the return on investment for
6	Q. Did were you involved at	6	generic product marketing expense.
7	all in tracking the return on investment	7	BY MS. BAIG:
8	for your marketing	8	Q. I see. So but certainly
9	MR. MAIER: Objection to	9	Actavis tracked return on investment for
10	form.	10	marketing generally, correct?
11	BY MS. BAIG:	11	MS. VENTURA: Objection to
12	Q of generic products?	12	form, foundation.
13	A. So marketing generic	13	MR. MAIER: Objection to
14	marketing had so first of all, if you	14	form.
15	were talking about the promotional	15	THE WITNESS: I do not know
16	expense or activities, it was very small	16	that.
17	to begin with. It was we didn't	17	BY MS. BAIG:
18	track we did not track by product, for	18	Q. If you wanted to know, who
19	example. We did not track about return	19	would you ask?
20	on investment in general.	20	A. It never occurred to me to
21	Q. So you did not so Actavis	21	ask.
22	did not track return on investment for	22	Q. Sure. But you worked at
23	its marketing activities?	23	Actavis and Alpharma for a long time, You
24	MR. MAIER: Objection to	24	know the people there. If you wanted to
	Page 263		5 064
	1490 200		Page 264
1		1	during the course of my work
1 2	know who was tracking return on investment, you had a pretty senior level	1 2	
	know who was tracking return on investment, you had a pretty senior level		during the course of my work
2	know who was tracking return on	2	during the course of my work there.
2 3	know who was tracking return on investment, you had a pretty senior level position there. Who would you have	2 3	during the course of my work there. BY MS. BAIG:
2 3 4	know who was tracking return on investment, you had a pretty senior level position there. Who would you have asked?	2 3 4	during the course of my work there. BY MS. BAIG: Q. Which publications do you
2 3 4 5	know who was tracking return on investment, you had a pretty senior level position there. Who would you have asked? MR. MAIER: Objection to	2 3 4 5	during the course of my work there. BY MS. BAIG: Q. Which publications do you recall working with?
2 3 4 5 6	know who was tracking return on investment, you had a pretty senior level position there. Who would you have asked? MR. MAIER: Objection to form.	2 3 4 5 6	during the course of my work there. BY MS. BAIG: Q. Which publications do you recall working with? A. Typically there was Drug
2 3 4 5 6 7	know who was tracking return on investment, you had a pretty senior level position there. Who would you have asked? MR. MAIER: Objection to form. THE WITNESS: I could have	2 3 4 5 6 7	during the course of my work there. BY MS. BAIG: Q. Which publications do you recall working with? A. Typically there was Drug Store News. So Drug Store News. I don't
2 3 4 5 6 7 8	know who was tracking return on investment, you had a pretty senior level position there. Who would you have asked? MR. MAIER: Objection to form. THE WITNESS: I could have asked Nathalie, for example, if I	2 3 4 5 6 7 8	during the course of my work there. BY MS. BAIG: Q. Which publications do you recall working with? A. Typically there was Drug Store News. So Drug Store News. I don't recall all the names that we were working
2 3 4 5 6 7 8 9 10	know who was tracking return on investment, you had a pretty senior level position there. Who would you have asked? MR. MAIER: Objection to form. THE WITNESS: I could have asked Nathalie, for example, if I knew she of course I knew she	2 3 4 5 6 7 8	during the course of my work there. BY MS. BAIG: Q. Which publications do you recall working with? A. Typically there was Drug Store News. So Drug Store News. I don't recall all the names that we were working with.
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2 3 4 5 6 7 8 9 10 11 12	know who was tracking return on investment, you had a pretty senior level position there. Who would you have asked? MR. MAIER: Objection to form. THE WITNESS: I could have asked Nathalie, for example, if I knew she of course I knew she was the head of Kadian marketing. I could you know, I could ask Doug Boothe, the CEO.	2 3 4 5 6 7 8 9 10 11	during the course of my work there. BY MS. BAIG: Q. Which publications do you recall working with? A. Typically there was Drug Store News. So Drug Store News. I don't recall all the names that we were working with. Q. Do you recall any other names? A. Let me think through that. Oh, Pharmacy Times. I mean, if you do have a
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	know who was tracking return on investment, you had a pretty senior level position there. Who would you have asked? MR. MAIER: Objection to form. THE WITNESS: I could have asked Nathalie, for example, if I knew she of course I knew she was the head of Kadian marketing. I could you know, I could ask Doug Boothe, the CEO. BY MS. BAIG: Q. In addition to the two magazines that we looked at with respect to the ads, were there any other	2 3 4 5 6 7 8 9 10 11 12 13 14	during the course of my work there. BY MS. BAIG: Q. Which publications do you recall working with? A. Typically there was Drug Store News. So Drug Store News. I don't recall all the names that we were working with. Q. Do you recall any other names? A. Let me think through that. Oh, Pharmacy Times. I mean, if you do have a
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	know who was tracking return on investment, you had a pretty senior level position there. Who would you have asked? MR. MAIER: Objection to form. THE WITNESS: I could have asked Nathalie, for example, if I knew she of course I knew she was the head of Kadian marketing. I could you know, I could ask Doug Boothe, the CEO. BY MS. BAIG: Q. In addition to the two magazines that we looked at with respect to the ads, were there any other magazines that were targeted for marketing purposes?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	during the course of my work there. BY MS. BAIG: Q. Which publications do you recall working with? A. Typically there was Drug Store News. So Drug Store News. I don't recall all the names that we were working with. Q. Do you recall any other names? A. Let me think through that. Oh, Pharmacy Times. I mean, if you do have a list, it's probably a lot easier to think back.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	know who was tracking return on investment, you had a pretty senior level position there. Who would you have asked? MR. MAIER: Objection to form. THE WITNESS: I could have asked Nathalie, for example, if I knew she of course I knew she was the head of Kadian marketing. I could you know, I could ask Doug Boothe, the CEO. BY MS. BAIG: Q. In addition to the two magazines that we looked at with respect to the ads, were there any other magazines that were targeted for marketing purposes? MR. MAIER: Object to form. THE WITNESS: I don't remember the marketing the journals for this product	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	during the course of my work there. BY MS. BAIG: Q. Which publications do you recall working with? A. Typically there was Drug Store News. So Drug Store News. I don't recall all the names that we were working with. Q. Do you recall any other names? A. Let me think through that. Oh, Pharmacy Times. I mean, if you do have a list, it's probably a lot easier to think back. (Document marked for identification as Exhibit McCormick-19.) BY MS. BAIG:
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	know who was tracking return on investment, you had a pretty senior level position there. Who would you have asked? MR. MAIER: Objection to form. THE WITNESS: I could have asked Nathalie, for example, if I knew she of course I knew she was the head of Kadian marketing. I could you know, I could ask Doug Boothe, the CEO. BY MS. BAIG: Q. In addition to the two magazines that we looked at with respect to the ads, were there any other magazines that were targeted for marketing purposes? MR. MAIER: Object to form. THE WITNESS: I don't remember the marketing the journals for this product specifically. We did work with a	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	during the course of my work there. BY MS. BAIG: Q. Which publications do you recall working with? A. Typically there was Drug Store News. So Drug Store News. I don't recall all the names that we were working with. Q. Do you recall any other names? A. Let me think through that. Oh, Pharmacy Times. I mean, if you do have a list, it's probably a lot easier to think back. (Document marked for identification as Exhibit McCormick-19.) BY MS. BAIG: Q. Okay. Let's have this document marked as Exhibit 19. This document is Bates-stamped ACTAVIS_0350871
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	know who was tracking return on investment, you had a pretty senior level position there. Who would you have asked? MR. MAIER: Objection to form. THE WITNESS: I could have asked Nathalie, for example, if I knew she of course I knew she was the head of Kadian marketing. I could you know, I could ask Doug Boothe, the CEO. BY MS. BAIG: Q. In addition to the two magazines that we looked at with respect to the ads, were there any other magazines that were targeted for marketing purposes? MR. MAIER: Object to form. THE WITNESS: I don't remember the marketing the journals for this product	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	during the course of my work there. BY MS. BAIG: Q. Which publications do you recall working with? A. Typically there was Drug Store News. So Drug Store News. I don't recall all the names that we were working with. Q. Do you recall any other names? A. Let me think through that. Oh, Pharmacy Times. I mean, if you do have a list, it's probably a lot easier to think back. (Document marked for identification as Exhibit McCormick-19.) BY MS. BAIG: Q. Okay. Let's have this document marked as Exhibit 19. This

	Page 265		Page 266
1	from you to John Hansen, dated August 26,	1	BY MS. BAIG:
2	2011. Subject, "Follow-up discussion	2	Q. Okay. And it goes on to
3	regarding" or, "Re Actavis oxymorphone	3	state that, "The similar message/graphics
4	campaign."	4	is also e-mailed to all pharmacies around
5	Do you see that?	5	the country about three weeks ago and
6	A. Yes.	6	will be sent again the day after Labor
7	Q. And it says, as an	7	Day." Do you see that?
8	attachment, is the oxymorphone sell sheet	8	A. Yes.
9		9	
	and oxymorphone summary for McKesson.		Q. And here are the talking
10	Do you see that?	10	points. It looks in part like this is a
11	A. Okay.	11	duplicate of an e-mail that we saw
12	Q. And it states, "Attached are	12	earlier.
13	some background information on the	13	A. It looks that way.
14	product as well as our ad which is	14	Q. But this one has
15	delivered to prescribing physicians and	15	attachments. And so if you look to the
16	run in August issue of Practical Pain	16	next page. Is this the sell sheet, the
17	Management and Pharmacy Times."	17	first page?
18	So these are two of the	18	A. The first page, yeah, that
19	medical journals that you would post ads	19	looks like the sell sheet.
20	in; is that right?	20	Q. And on the next page where
21	MR. MAIER: Objection to	21	it says, "Now available from Actavis,"
22	form.	22	and down at the bottom it says, "To learn
23	THE WITNESS: Yes, those	23	more, contact your Actavis representative
24	were the two we used.	24	or wholesaler or call customer service,"
	Page 267		Page 268
1	and there's a number.	1	customer service typically.
2	Do you see that?	2	BY MS. BAIG:
3	A. Yes.	3	Q. Okay. And were there
4	Q. And if they called the	4	scripts that the people answering the
5	Actavis representative, who would they	5	phone would use to talk with the callers?
6	talk to?	6	MR. MAIER: Objection to
7	A. It would be someone from the	7	form.
8	customer service department.	8	MS. VENTURA: Objection to
9	Q. Okay. And were there	9	form, foundation.
10	scripts created for the people in	10	THE WITNESS: I don't know.
11	customer service who were talking	11	BY MS. BAIG:
12	directly with customers?	12	Q. You don't know. You never
13	MR. MAIER: Objection to	13	saw the scripts, if there were any?
14	form.	14	A. I've never I never asked
15	MS. VENTURA: Objection to	15	if they had scripts.
16	form.	16	Q. Okay. Well, were you
17	THE WITNESS: So these	17	involved in training of any of those
18	are the words, "Contact your	18	people that would take calls?
19	Actavis representative or	19	A. No. I was not involved.
20	wholesalers," I think those were	20	This is the customer service that
21	the material that would be for the	21	answered all of the calls.
22	pharmacy. So the customer service	22	Q. Okay. Who would have
23	would be pharmacists too. The	23	trained those folks?
24	pharmacists would call the	24	A. So Nancy Baran was the head
1	1	l	,

	Page 269		Page 270
_			
1	of customer service.	1	Q. And do you see the subject
2	Q. Okay. Then if you go to the	2	is marketing plan and media plan?
3	second-to-last page, there's another	3	A. Yes.
4	picture of the sell sheet. And it says,	4	Q. And this was a marketing and
5	"Sell sheet front and back."	5	media plan for what?
6	Is that your understanding	6	A. So I think it's this this
7	of the sell sheet that we've been	7	media plan for the year, for generic.
8	discussing for oxymorphone hydrochloride	8	Q. For all of the generic
9	extended release?	9	drugs?
10	A. Yeah, that's the same we've	10	A. So for the generic division.
11	seen on the front.	11	Q. And what was the purpose,
12	Q. Okay.	12	why did you create this and send this to
13	A. Yeah.	13	Brenda Vesey?
14	(Document marked for	14	A. So the media plan was part
15	identification as Exhibit	15	of the normal business operation. We
16	McCormick-20.)	16	have this plan to really plan out the
17	BY MS. BAIG:	17	whole year for our media activities.
18	Q. We'll have this document	18	Q. And you state in here, "We
19	marked as Exhibit 20. Here you go.	19	occasionally target prescribing
20	This document starts as an	20	physicians as needed, for example
21	e-mail from you to Brenda Vesey. It's	21	oxymorphone to promote our products,"
22	Bates-stamped ACTAVIS_346651 through 655.	22	correct?
23	Who's Brenda Vesey?	23	A. I stated that,
24	A. She was the head of HR.	24	"occasionally."
			·
	Page 271		Page 272
		1	_
1	Q. You mean you state, "We	1	
1 2	• • • • • • • • • • • • • • • • • • • •	1 2	corporate ad to fresh the image. This year we planned for two new ones. One is
•	occasionally target"? Is that what		corporate ad to fresh the image. This year we planned for two new ones. One is
2		2	corporate ad to fresh the image. This year we planned for two new ones. One is being used in ad," and then you have,
2	occasionally target"? Is that what you're saying? The word "occasionally"	2 3	corporate ad to fresh the image. This year we planned for two new ones. One is being used in ad," and then you have, "(Green planet, zero carbon, we call tree
2 3 4	occasionally target"? Is that what you're saying? The word "occasionally" is in there? A. Yeah.	2 3 4	corporate ad to fresh the image. This year we planned for two new ones. One is being used in ad," and then you have,
2 3 4 5	occasionally target"? Is that what you're saying? The word "occasionally" is in there?	2 3 4 5	corporate ad to fresh the image. This year we planned for two new ones. One is being used in ad," and then you have, "(Green planet, zero carbon, we call tree ad)."
2 3 4 5 6	occasionally target"? Is that what you're saying? The word "occasionally" is in there? A. Yeah. Q. Yeah. And you go on to state that, "Practical Pain Management	2 3 4 5 6	corporate ad to fresh the image. This year we planned for two new ones. One is being used in ad," and then you have, "(Green planet, zero carbon, we call tree ad)." Is that ad actually it's
2 3 4 5 6 7	occasionally target"? Is that what you're saying? The word "occasionally" is in there? A. Yeah. Q. Yeah. And you go on to	2 3 4 5 6 7	corporate ad to fresh the image. This year we planned for two new ones. One is being used in ad," and then you have, "(Green planet, zero carbon, we call tree ad)." Is that ad actually it's not attached, right?
2 3 4 5 6 7 8	occasionally target"? Is that what you're saying? The word "occasionally" is in there? A. Yeah. Q. Yeah. And you go on to state that, "Practical Pain Management falls into this category."	2 3 4 5 6 7 8	corporate ad to fresh the image. This year we planned for two new ones. One is being used in ad," and then you have, "(Green planet, zero carbon, we call tree ad)." Is that ad actually it's not attached, right? A. Not here. At least I didn't
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	Page 273		Page 274
1	where. But oxymorphone we already talked	1	you see that Actavis 2011 media plan?
2	about in the two journals.	2	A. Yes.
3	Q. Okay. You go on to say, "We	3	Q. And did you create this
4	did extensive promotion and media	4	media plan?
5	campaign for oxymorphone." Correct?	5	A. No, I did not.
6	A. Yes.	6	Q. Who created it?
7	Q. And on the next page,	7	A. Our agency working with
8	there's a list of products, and then it	8	working with David Meyers, to create this
9	states a column for ad and a column for	9	plan.
10	sell sheet.	10	Q. The advertising agency, J&R?
11	Do you see that?	11	A. The advertising agency,
12	A. Yes. I saw that.	12	either R&J or its successor.
13	Q. Okay. And what is this?	13	Q. Okay. And what was the
14	This is just to let them know that you	14	purpose of creating this media plan?
15	that you have certain ads and sell sheets	15	A. Just most of the work we do,
16	prepared already?	16	we created a plan throughout the year so
17	A. These are the new product to	17	we know what our plans were and what the
18	be launched, and then we're working on	18	budget would be and, you know, that's a
19	either the sell sheets or the ad.	19	plan.
20	Q. I see. And these are the	20	Q. And so the far left column
21	estimated time frame for the launches?	21	is entitled "Publications," correct?
22	A. I don't know if it's an	22	A. Yes. That's the
23	estimated or it happened.	23	publication.
24	Q. Okay. And on the next page,	24	Q. And were those the
	D 07F		
	Page 275		Page 276
1	publications where you were placing ads	1	Q. Okay. And what's identified
2	publications where you were placing ads to promote generic opioids?	2	Q. Okay. And what's identified in these in, say, these red boxes, do
2	publications where you were placing ads to promote generic opioids? MR. MAIER: Objection to		Q. Okay. And what's identified in these in, say, these red boxes, do you know?
2 3 4	publications where you were placing ads to promote generic opioids? MR. MAIER: Objection to form.	2 3 4	Q. Okay. And what's identified in these in, say, these red boxes, do you know? A. That's the planned insertion
2 3 4 5	publications where you were placing ads to promote generic opioids? MR. MAIER: Objection to form. THE WITNESS: Those were the	2 3 4 5	Q. Okay. And what's identified in these in, say, these red boxes, do you know? A. That's the planned insertion date, and then the ad, the content.
2 3 4 5 6	publications where you were placing ads to promote generic opioids? MR. MAIER: Objection to form. THE WITNESS: Those were the journals that we worked with to	2 3 4 5 6	Q. Okay. And what's identified in these in, say, these red boxes, do you know? A. That's the planned insertion date, and then the ad, the content. Q. So if it says mortar ad,
2 3 4 5 6 7	publications where you were placing ads to promote generic opioids? MR. MAIER: Objection to form. THE WITNESS: Those were the journals that we worked with to place our ads. It could be	2 3 4 5 6 7	Q. Okay. And what's identified in these in, say, these red boxes, do you know? A. That's the planned insertion date, and then the ad, the content. Q. So if it says mortar ad, what does that mean?
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	Page 277		Page 278
1	to pharmacies.	1	also been created by your advertising
2	Q. Mortar?	2	agency?
3	A. Mortar was yes. It was	3	A. No. This was created by the
4	the old-fashioned pharmacy.	4	marketing group.
5	Q. I see. And then you have,	5	Q. By your marketing group?
6	say, four six rows from columns	6	A. Yes.
7	from the right, there's a reference to an	7	Q. Okay. And what was the
8	oxymorphone ad. Do you see that?	8	purpose of this?
9	A. It's hard to see.	9	A. This was for us to track the
10	Q. I know.	10	new product launches for a particular
11	There are a couple	11	year.
12	references to oxymorphone ads, do you see	12	Q. And it provides market share
13	those? Six columns from the right	13	targets; is that right?
14	towards the bottom.	14	A. That's the target assumption
15	A. Oh I see. You have good	15	in the 2011 budget.
16	eyesight.	16	Q. It's the market share target
17	Yes, I saw that.	17	in the 2011 budget?
18	Q. So those would be, for	18	A. Yes.
19	example, oxymorphone ads being placed	19	MS. VENTURA: Can you just
20	into Pharmacy Times and Practical Pain	20	reference the specific there's
21	Management?	21	two charts that have the same
22	A. Yes.	22	title. One has got some green
23	Q. Okay. And the next page has	23	rows, the other has grey rows.
24	2011 budget launches. Would this have	24	Can we just make sure that we are
1	all talking about the same one?	1	and Actavis did not have
1 2	MS. BAIG: I think those	2	injectable injectable product
3	have the same heading on the boxed	3	prior to very recent years. So I
4	column.	4	think we had marketing agreement
5	MS. VENTURA: And they have	5	to have Sagent sell Actavis
6	the same Bates number. It looks	6	product. And those were the
7	like there's a color difference	7	injectable product.
8	that we can use to reference which	8	BY MS. BAIG:
9	one we are talking about.	9	Q. Were any of those products
10	BY MS. BAIG:	10	opioids?
11	Q. What is Sagent, S-A-G-E-N-T?	11	A. No. Both the the listed
12	I see it on the the first of those two	12	there, gemcitabine and paclitaxel are
13	pages?	13	both oncology products.
14	A. Sagent. It's a company.	14	Q. Do you have a page in your
15	Q. What company is it, why is	15	exhibit that looks like this?
16	it referenced here? Is it an Allergan	16	A. I think so.
17	company?	17	Q. And what is this this
18	A. No, it's not.	18	page? Just for the record it still says
19	Q. Okay. So why were you	19	Actavis 2011 media plan. December 2019.
20	creating budget launches for Sagent?	20	That must be the produced date or
21	MR. MAIER: Objection to	21	something.
22	form.	22	What is this document?
23	THE WITNESS: So Sagent	23	MR. KNAPP: Probably the
24	primarily had injectable product,	24	printed date.
			L

	Page 281		Page 282
1	THE WITNESS: So this is a	1	Q. Okay. And pain Pain
1		2	Medicine is another journal that you were
2	part of the media plan. And those		
3	were the potential, those are the	3 4	intending to place an ad in; is that
4	journals involving pain	5	right?
5	management. Those were just the		MS. GERMANO: Objection to
6	options.	6	form.
7	BY MS. BAIG:	7	THE WITNESS: No. These
8	Q. Okay. So you have, for	8	were the agency, the ad agency's
9	example, the Practical Pain Management	9	work to list the potential
10	Journal, right?	10	journals we could place our ad in. BY MS. BAIG:
11	A. Mm-hmm.	11	
12	Q. And the target audience	12	Q. I see. And they were
13	there is clinicians and pharmacists?	13	providing you with the costs associated
14	A. Yes. That's what it says.	14	with that as well; is that right?
15	Q. Okay. And this was a	15	A. Sure.
16	journal that you intended to place an ad	16	Q. Okay. And they include Pain
17	for a generic opioid; is that right?	17	Medicine, Pain Medicine News, the Journal
18	MS. GERMANO: Objection.	18	of Pain, the Journal of Pain Symptom and
19	Foundation.	19	Pain Management, and Anesthesiology News,
20	THE WITNESS: This is one we	20	correct?
21	intended to place ad for,	21	A. Yes.
22	oxymorphone availability awareness	23	(Document marked for identification as Exhibit
23 24	ad. BY MS. BAIG:	24	
24	BT MS. BAIG:	24	Allergan-McCormick-21.)
	Page 283		Page 284
1	BY MS. BAIG:	1	consisting of GC phone campaign to 200
2	Q. Let's have this document	2	customers, a fax blast to 200 customers,
3	marked as Exhibit 21.	3	and a McKesson Connect ad for one week."
4	It's Bates stamped Actavis	4	Do you see that?
5	0622787 through 89. It starts as an		
		5	MR. MAIER: Object to form.
6	e-mail from you to David Meyers dated	5 6	MR. MAIER: Object to form. THE WITNESS: Yes, I saw
6 7	•		-
	e-mail from you to David Meyers dated	6	THE WITNESS: Yes, I saw
7	e-mail from you to David Meyers dated September 2, 2011. Subject is revised	6 7	THE WITNESS: Yes, I saw that.
7 8	e-mail from you to David Meyers dated September 2, 2011. Subject is revised marketing plan. Attachment is marketing	6 7 8	THE WITNESS: Yes, I saw that. BY MS. BAIG:
7 8 9 10 11	e-mail from you to David Meyers dated September 2, 2011. Subject is revised marketing plan. Attachment is marketing plan for Actavis. Do you see that? A. Yes.	6 7 8 9	THE WITNESS: Yes, I saw that. BY MS. BAIG: Q. Okay. And the total cost
7 8 9 10 11 12	e-mail from you to David Meyers dated September 2, 2011. Subject is revised marketing plan. Attachment is marketing plan for Actavis. Do you see that? A. Yes. Q. And again, it references an	6 7 8 9 10	THE WITNESS: Yes, I saw that. BY MS. BAIG: Q. Okay. And the total cost for the bundle was \$8500? A. Yes. Q. And do you know whether you
7 8 9 10 11	e-mail from you to David Meyers dated September 2, 2011. Subject is revised marketing plan. Attachment is marketing plan for Actavis. Do you see that? A. Yes. Q. And again, it references an e-mail blast to pharmacists in the first	6 7 8 9 10 11 12 13	THE WITNESS: Yes, I saw that. BY MS. BAIG: Q. Okay. And the total cost for the bundle was \$8500? A. Yes. Q. And do you know whether you executed on this?
7 8 9 10 11 12 13 14	e-mail from you to David Meyers dated September 2, 2011. Subject is revised marketing plan. Attachment is marketing plan for Actavis. Do you see that? A. Yes. Q. And again, it references an e-mail blast to pharmacists in the first line. Do you see that?	6 7 8 9 10 11 12 13 14	THE WITNESS: Yes, I saw that. BY MS. BAIG: Q. Okay. And the total cost for the bundle was \$8500? A. Yes. Q. And do you know whether you executed on this? A. I don't remember. I think
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	Page 285		Page 286
1	MR. BAILEY: Objection to	1	form.
2	form.	2	THE WITNESS: That would be
3	THE WITNESS: Yes.	3	McKesson's internal data.
4	BY MS. BAIG:	4	BY MS. BAIG:
5	Q. Same with the fax blast, the	5	Q. And do you see a little
6	200 customers, McKesson would would	6	further down where it says, "Total cost
7	determine that?	7	for bundled promotion." And it states
8	A. Yes.	8	under marketing opportunity, "McKesson
9	Q. And do you see, two pages	9	Connect banner ad."
10	later, there's a bullet at the top that	10	Do you see that?
11	says, "Recommendation: One phone	11	A. Yes.
12	awareness campaign to a targeted pool of	12	Q. And they're suggesting that
13	200 retail independent pharmacies with	13	it will reach 30,000-plus McKesson
14	significant brand sales in September."	14	pharmacy customers.
15	Do you see that?	15	MR. MAIER: Objection to
16	A. Yes.	16	form.
17	Q. And what data would have	17	BY MS. BAIG:
18	been used to determine which pharmacies	18	Q. Do you see that?
19	had significant brand sales?	19	A. I see that.
20	MR. MAIER: Objection to	20	Q. Okay. And the benefit
21	form and foundation.	21	suggested here is, "A wide reach of
22	MR. BAILEY: Objection to	22	message on customers' homepage for one
23	form.	23	week."
24	MS. VENTURA: Objection to	24	Do you see that?
	Page 287		Page 288
1	MR. MAIER: Objection to	1	to 200 McKesson pharmacy customers. The
2	form.	2	benefit would be delivery of the
3	THE WITNESS: I see that.	3	marketing message directly to the
4	BY MS. BAIG:	4	pharmacy." Correct?
5	Q. Okay. So where is this	5	A. Yes. That's in the
6	banner ad being placed?	6	proposal.
7	A. That's when McKesson	l –	1 1
		7	Q. And then the phone awareness
8	customer ordered from McKesson.	8	Q. And then the phone awareness campaign. They are stating it will reach
8 9	customer ordered from McKesson. Q. Sure. Where is the ad being	8 9	Q. And then the phone awareness campaign. They are stating it will reach 200 customers, and the benefit would be
8 9 10	customer ordered from McKesson. Q. Sure. Where is the ad being placed?	8 9 10	Q. And then the phone awareness campaign. They are stating it will reach 200 customers, and the benefit would be messaging personally delivered by
8 9 10 11	customer ordered from McKesson. Q. Sure. Where is the ad being placed? A. On the	8 9 10 11	Q. And then the phone awareness campaign. They are stating it will reach 200 customers, and the benefit would be messaging personally delivered by generics specialist to pharmacy
8 9 10 11 12	customer ordered from McKesson. Q. Sure. Where is the ad being placed? A. On the Q. The banner ad.	8 9 10 11 12	Q. And then the phone awareness campaign. They are stating it will reach 200 customers, and the benefit would be messaging personally delivered by generics specialist to pharmacy decisionmaker.
8 9 10 11 12 13	customer ordered from McKesson. Q. Sure. Where is the ad being placed? A. On the Q. The banner ad. A. On the McKesson order page.	8 9 10 11	Q. And then the phone awareness campaign. They are stating it will reach 200 customers, and the benefit would be messaging personally delivered by generics specialist to pharmacy decisionmaker. Do you see that?
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	Page 289		Page 290
1		1	
1	Q. Would you communicate with		Altier is talking with you about a flier
2	the generics specialist about what was	2	that's being sent out for marketing
3	being messaged? A. We did not communicate with	3	purposes; is that right?
4		4	MR. MAIER: Objection to
5	the people directly.	5	form.
6	Q. Did you did you see a	6	THE WITNESS: Let me just
7	script or approve a script beforehand?	7	take a quick look.
8	A. I don't remember.	8	BY MS. BAIG:
9	Q. But you don't remember	9	Q. Sure.
11	actually creating the script and sending it to them, correct?	10	Do you see on the
		11	second-to-last page there is a heading
12	A. We don't create scripts for	12	that says, "Generic Kadian Sales and GP
14	McKesson and people.	13	Summary"?
15	Q. Okay.	14	A. Yes.
	(Document marked for	15	Q. What does GP stand for?
16	identification as Exhibit	16	A. Gross profit.
17	McCormick-22.)	17	Q. Okay. And so just below
18	BY MS. BAIG:	18	that, where it says November 19, 2011,
19	Q. I'll have this document	19	and then it goes on to say, "Market share
20	marked as Exhibit 22. Document	20	target 50 percent."
21	Bates-stamped ALLERGAN_MDL_00396954	21	Was that to suggest that the
22	through 960. It's from Jennifer Altier	22	market share target for generic Kadian
23	to Jinping McCormick dated November 21st,	23	sales was 50 percent?
24	2011. And it appears that Jennifer	24	A. It's 50 percent of the
	Daga 201		
		1	Dage 292 I
	Page 291		Page 292
1	generic market.	1	the current price and at 90 percent of
2	generic market. Q. What do you mean by that?	2	the current price and at 90 percent of generic conversion.
2 3	generic market. Q. What do you mean by that? 50 percent of the generic market for	2	the current price and at 90 percent of generic conversion. Q. And do you see the page
2 3 4	generic market. Q. What do you mean by that? 50 percent of the generic market for Kadian?	2 3 4	the current price and at 90 percent of generic conversion. Q. And do you see the page before, three-quarters of the way down or
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2 3 4 5 6 7	generic market. Q. What do you mean by that? 50 percent of the generic market for Kadian? A. Kadian. Q. Correct? A. For Kadian.	2 3 4 5 6 7	the current price and at 90 percent of generic conversion. Q. And do you see the page before, three-quarters of the way down or so, it says, "The sales team is calling on 5,500 prescribers. Each of these prescribers would need to write Kadian
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2 3 4 5 6 7 8	generic market. Q. What do you mean by that? 50 percent of the generic market for Kadian? A. Kadian. Q. Correct? A. For Kadian. Q. Okay. And the target was 50 percent. But the market share secured	2 3 4 5 6 7 8	the current price and at 90 percent of generic conversion. Q. And do you see the page before, three-quarters of the way down or so, it says, "The sales team is calling on 5,500 prescribers. Each of these prescribers would need to write Kadian for about 1.3 new patients or convert 1.3 patients from generic MS Contin to
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2 3 4 5 6 7 8 9 10 11	generic market. Q. What do you mean by that? 50 percent of the generic market for Kadian? A. Kadian. Q. Correct? A. For Kadian. Q. Okay. And the target was 50 percent. But the market share secured was 56.2 percent; is that right? A. Yes. Q. Which means you exceeded the	2 3 4 5 6 7 8 9 10 11	the current price and at 90 percent of generic conversion. Q. And do you see the page before, three-quarters of the way down or so, it says, "The sales team is calling on 5,500 prescribers. Each of these prescribers would need to write Kadian for about 1.3 new patients or convert 1.3 patients from generic MS Contin to generic Kadian per month to reach the threshold." A. Where is that?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	generic market. Q. What do you mean by that? 50 percent of the generic market for Kadian? A. Kadian. Q. Correct? A. For Kadian. Q. Okay. And the target was 50 percent. But the market share secured was 56.2 percent; is that right? A. Yes. Q. Which means you exceeded the target, correct? A. Correct. Q. And the list of accounts beneath that, what does that reflect? A. That's just a key account who signed with us. Q. For generic Kadian? A. For generic Kadian. Q. And the estimated annual net sales was going to be \$62.5 million	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	the current price and at 90 percent of generic conversion. Q. And do you see the page before, three-quarters of the way down or so, it says, "The sales team is calling on 5,500 prescribers. Each of these prescribers would need to write Kadian for about 1.3 new patients or convert 1.3 patients from generic MS Contin to generic Kadian per month to reach the threshold." A. Where is that? Q. It's on the page with the Bates stamp ending in 956. A. Sorry. I've almost got it. Saw that. Q. What threshold is she referring to here? MR. KNAPP: Foundation. THE WITNESS: I think she's discussing the merit of keeping the Kadian sales team or not, the

1		Page 293		Page 294		
BY MS. BAIG: 3 BY MS. BAIG: 4 Q. I know. So what she's saying is that a certain amount of additional prescriptions would have to be generated in order to justify keeping the sales team on; is that right? 9 MR. MAIER: Object to form. 10 MS. GERMANO: Objection to form. 11 form. 12 MS. VENTURA: Objection to form and foundation. 13 form and foundation. 14 THE WITNESS: I didn't have the time to read all the details. 15 BY MS. BAIG: 16 BY MS. BAIG: 17 Q. So if you look at the paragraph that starts, Based on the net - on net and net to ASP. 20 Do you see that? 21 A. Yeah. 22 Q. She states, "Based on a net paragraph that starts, Based on a net paragraph? 23 ASP for the generic of 46 percent of brand WAC and assuming average monthly 24 brand WAC and assuming average monthly 25 couldn't tell you more than what's written on this page. 26 Q. Okay, Well, how do you understand that paragraph? 27 couldn't tell you see where she says, the total incremental prescriptions a generated per month would need to be about 7,040." 26 A. I have to re-read everything because I don't remember to you show me this one, this e-mail, so what what the total incremental prescriptions a generated per month would need to be about 7,040." 27 Page 295 28 BY MS. BAIG: 39 BY MS. BAIG: 40 Q. Okay, Well, how do you understand that paragraph? 41 Couldn't tell you more than what's written on this page. 42 Written on this page. 43 BY MS. BAIG: 44 Q. Okay, Well, how do you understand that paragraph? 45 A. I have to re-read everything because I don't remember to you show me this one, this e-mail, so what what the total incremental prescriptions a paperated per month would need to be about 7,040." 45 Do you see that? 46 A. I have to remember to you show me this one, this e-mail so what what the total incremental prescriptions to far return on this page. 47 Do you see that? 48 Do you see that? 49	1	having them.	1	expenses of about 940,000, the sales team		
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	Page 297		Page 298			
1	"calling on 5500 prescribers," correct?	1				
2	A. Yeah. That's what they were	2				
3	doing in that time.	3	J			
4	Q. And that means they are	4	Q. Okay. Do you see on the			
5	detailing those prescribers, correct?	5	page before there's some discussion about			
6	MS. VENTURA: Objection to	6	whether or not to use the Kadian logo.			
7	form. Foundation.	7	In the e-mail from Nathalie Leitch to			
8	MR. MAIER: Objection to	8	you. It's the second page of the			
9	form. Foundation.	9	document. It says, "Could you please let			
10	THE WITNESS: That was they	10	Jennifer know what you think of the flier			
11	were calling on the physicians for	11	when you get a chance? I for one think			
12	Kadian.	12	we should use the Kadian logo, but I'm			
13	BY MS. BAIG:	13	easy. This decision may boil down to a			
14	Q. Meaning they were going to	14	legal/regulatory call."			
15	the physicians' offices, correct?	15	Do you see that?			
16	A. They were calling on the	16	A. Yes.			
17	physicians.	17	Q. Do you know whether they			
18	Q. What what do you	18	ultimately decided to use the Kadian logo			
19	understand that to mean?	19	for the marketing of the generic Kadian?			
20	MR. MAIER: Objection.	20	MR. MAIER: Objection to			
21	Foundation.	21	form.			
22	THE WITNESS: It could be	22	THE WITNESS: I don't			
23	really a call, or could show up in	23	remember.			
24	the office.	24	BY MS. BAIG:			
	Page 299		Page 300			
1	Q. What would be the benefit of	1	discussion.			
2	using the Kadian logo?	2	BY MS. BAIG:			
3	MR. MAIER: Objection to	3	Q. And wouldn't the launch of			
4	form.	4	the Kadian generic undercut your sales			
5	THE WITNESS: As I stated	5	for the Kadian brand name drug?			
6	there, the it's recognized by	6	MS. VENTURA: Objection.			
7	physicians and patients.	7	Form. Foundation.			
8	BY MS. BAIG:	8	THE WITNESS: So Actavis			
9	Q. And so when you're marketing	9	launched the generic Kadian			
10	the generic version of that drug, it's	10	because we so you typically			
11	beneficial to use the initial logo, is	11	don't do that unless there were			
12	that what you're saying?	12	anticipated or actual generic			
13	MR. MAIER: Objection to	13	competition for your brand			
14	form.	14	product.			
15	MS. VENTURA: Objection to	15	So in this case, we were			
	J	1	· · · · · · · · · · · · · · · · · · ·			
16	form.	16	expecting a generic competition			
16 17	form. THE WITNESS: So this is	16 17	expecting a generic competition for the Kadian brand. So,			
	THE WITNESS: So this is		for the Kadian brand. So,			
17	THE WITNESS: So this is a a very special case for	17 18	for the Kadian brand. So, therefore, we launched the			
17 18	THE WITNESS: So this is a a very special case for generic, because Actavis as a	17	for the Kadian brand. So,			
17 18 19 20	THE WITNESS: So this is a a very special case for generic, because Actavis as a company owns both the Kadian brand	17 18 19 20	for the Kadian brand. So, therefore, we launched the authorized generic of Kadian ourselves.			
17 18 19	THE WITNESS: So this is a a very special case for generic, because Actavis as a company owns both the Kadian brand and now we're launching a Kadian	17 18 19	for the Kadian brand. So, therefore, we launched the authorized generic of Kadian ourselves. BY MS. BAIG:			
17 18 19 20 21	THE WITNESS: So this is a a very special case for generic, because Actavis as a company owns both the Kadian brand and now we're launching a Kadian generic.	17 18 19 20 21	for the Kadian brand. So, therefore, we launched the authorized generic of Kadian ourselves.			
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	Page 301		Page 302		
1	point?	1	product, buprenorphine naloxone.		
2	MS. BAIG: Sure.	2	Q. And did you create the		
3	THE VIDEOGRAPHER: Going off	3	draft?		
4	record. The time is 4:22.	4	A. I didn't.		
5	(Short break.)	5	Q. Did or didn't?		
6	THE VIDEOGRAPHER: We are	6	A. Did not.		
7	going back on record. Beginning	7	Q. Who created it?		
8	of Media File 9. The time is	8	A. I don't know.		
9	4:42.	9	Q. What was the purpose of it,		
10	(Document marked for	10	to your to your knowledge?		
11	identification as Exhibit	11	A. Typically, when generic was		
12	McCormick-23.)	12	launched, when generic is launching, even		
13	BY MS. BAIG:	13	to get approval, it required comparable		
14	Q. Okay. I'll have this	14	service and the which includes risk		
15	document marked as Exhibit 23.	15	management and evaluation that is similar		
16	This document is	16	or substantially similar to the brand		
17	Bates-stamped Acquired Actavis 02114868	17	product.		
18	through 882.	18	And to so buprenorphine		
19	It's from you to Terri	19	naloxone branded a RiskMAP, so therefore		
20	Nataline and others dated April 27, 2011,	20	the generic for us to get ready for		
21	entitled, "RiskMAP draft." What is a	21	launch, we need to create something of		
22	RiskMAP draft?	22	substantial similarity to be able to		
23	A. RiskMAP is a risk mitigation	23	market our product.		
24	evaluation mitigation document for this	24	Q. And this was a RiskMAP draft		
	evariation intigation document for this		Q. Find this was a Riskivii if draft		
	Page 303		Daga 204		
			Page 304		
1		1	Q. Okay. And do you see		
1 2	for buprenorphine naloxone, correct? A. Yes.	1 2			
	for buprenorphine naloxone, correct?		Q. Okay. And do you see		
2	for buprenorphine naloxone, correct? A. Yes.	2	Q. Okay. And do you see here so it states here that in 2010,		
2 3	for buprenorphine naloxone, correct? A. Yes. Q. And that drug is used to	2	Q. Okay. And do you see here so it states here that in 2010, Actavis filed new drug applications to		
2 3 4	for buprenorphine naloxone, correct? A. Yes. Q. And that drug is used to treat people who are addicted to opioids;	2 3 4	Q. Okay. And do you see here so it states here that in 2010, Actavis filed new drug applications to market generic formulations of Suboxone.		
2 3 4 5	for buprenorphine naloxone, correct? A. Yes. Q. And that drug is used to treat people who are addicted to opioids; is that right?	2 3 4 5	Q. Okay. And do you see here so it states here that in 2010, Actavis filed new drug applications to market generic formulations of Suboxone. Is that your understanding?		
2 3 4 5 6	for buprenorphine naloxone, correct? A. Yes. Q. And that drug is used to treat people who are addicted to opioids; is that right? A. That's correct.	2 3 4 5 6	Q. Okay. And do you see here so it states here that in 2010, Actavis filed new drug applications to market generic formulations of Suboxone. Is that your understanding? A. That's what it says on		
2 3 4 5 6 7	for buprenorphine naloxone, correct? A. Yes. Q. And that drug is used to treat people who are addicted to opioids; is that right? A. That's correct. Q. And I see that there is a	2 3 4 5 6 7	Q. Okay. And do you see here so it states here that in 2010, Actavis filed new drug applications to market generic formulations of Suboxone. Is that your understanding? A. That's what it says on the		
2 3 4 5 6 7 8	for buprenorphine naloxone, correct? A. Yes. Q. And that drug is used to treat people who are addicted to opioids; is that right? A. That's correct. Q. And I see that there is a Caitlin Simili in the e-mail from	2 3 4 5 6 7 8	Q. Okay. And do you see here so it states here that in 2010, Actavis filed new drug applications to market generic formulations of Suboxone. Is that your understanding? A. That's what it says on the Q. I'm looking at the first		
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	for buprenorphine naloxone, correct? A. Yes. Q. And that drug is used to treat people who are addicted to opioids; is that right? A. That's correct. Q. And I see that there is a Caitlin Simili in the e-mail from ParagonRx.com. Who is that? A. I think she worked for ParagonRx. Q. And what is ParagonRx? A. I think they work with I don't know what they are. I think the RiskMAP was managed by regulatory affairs. So I think she was contracted or contacted by regulatory affairs to work on the RiskMAP. Q. I see. And she is so this is not the agency that you were trying to think of earlier. It's not an advertising agency?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Okay. And do you see here so it states here that in 2010, Actavis filed new drug applications to market generic formulations of Suboxone. Is that your understanding? A. That's what it says on the Q. I'm looking at the first page, first paragraph. Was that your understanding was that you were seeking approval in or around 2010? A. That's when the ANDA was filed. Q. Do you know why the decision was made to seek approval for Suboxone? MS. VENTURA: Objection. Foundation. THE WITNESS: We have portfolio management team that was in charge of product selection for development. So this product was selected as a product for		

	Daga 205		Page 306			
1	Page 305					
1	Q. You're not involved in the	1	1 whether or not you had an understanding			
2	product selection?	2	at the time that there were significant			
3	A. I was not involved in the	3	\mathcal{E}			
4	initial selection.	4	oxycodone and methadone?			
5	Q. And do you see here on the	5	MR. MAIER: Objection to			
6	second page under abuse, misuse and	6	form and foundation.			
7	diversion it states, "The rates of abuse	7	THE WITNESS: I think			
8	of buprenorphine products are well below	8	Schedule II by definition lends			
9	those of other opioids, such as methadone	9	itself to potential for abuse.			
10	or oxycodone"?	10	BY MS. BAIG:			
11	A. Yes, I saw that.	11	Q. And do you see a little			
12	Q. Okay. And were you aware at	12	further down it states, "Opioid addicts			
13	the time that there were significant	13	describe the effects to be similar to			
14	abuse rates for other opioids?	14	those of morphine or heroin at equally			
15	MR. MAIER: Objection to	15	potent doses."			
16	form and foundation.	16	Was that your understanding			
17	THE WITNESS: This was not	17	at the time?			
18	really related to that because	18	MS. VENTURA: Objection.			
19	schedule buprenorphine is	19	Foundation.			
20	Schedule III drug. Schedule II,	20	THE WITNESS: I did not know			
21	methadone, oxycodone were Schedule	21	this.			
22	II.	22	BY MS. BAIG:			
23	BY MS. BAIG:	23	Q. You read this when you			
24	Q. Sure. My question is	24	received it, correct?			
	Page 307		Page 308			
1	A. Yes.	1	Q. Okay.			
2	Q. And the RiskMAP goal and	2	A. So I do not know.			
3	objective, the key goal as stated on the	3	Q. Do you know typically if			
4	next page is, "To reduce the risk of	4	educational materials are distributed to			
5	abuse, misuse, and diversion of	5	physicians to physicians, patients,			
6	buprenorphine," correct?	6	and pharmacists upon product launch?			
7	A. Yes.	7	A. Typically, it was not unless			
8	Q. And certain strategies and	8				
	6	_	-			
1	tools for doing that included restrictive	9	it was required. O. Required by?			
9	tools for doing that included restrictive prescribing.		Q. Required by?			
1	prescribing.	10	Q. Required by?A. So this is a RiskMAP.			
9 10	_		Q. Required by? A. So this is a RiskMAP. Sometimes it's called a REMS program.			
9 10 11	prescribing. Do you see that? A. Yes.	10 11 12	Q. Required by? A. So this is a RiskMAP. Sometimes it's called a REMS program. This was part of the			
9 10 11 12	prescribing. Do you see that?	10 11 12 13	Q. Required by? A. So this is a RiskMAP. Sometimes it's called a REMS program. This was part of the requirement by FDA.			
9 10 11 12 13	prescribing. Do you see that? A. Yes. Q. And education?	10 11 12 13 14	Q. Required by? A. So this is a RiskMAP. Sometimes it's called a REMS program. This was part of the requirement by FDA. Q. And do you see the next			
9 10 11 12 13 14	prescribing. Do you see that? A. Yes. Q. And education? A. Yes.	10 11 12 13 14 15	Q. Required by? A. So this is a RiskMAP. Sometimes it's called a REMS program. This was part of the requirement by FDA. Q. And do you see the next category listed under strategy and tools			
9 10 11 12 13 14 15	prescribing. Do you see that? A. Yes. Q. And education? A. Yes. Q. And the educational materials were to be distributed to	10 11 12 13 14 15 16	Q. Required by? A. So this is a RiskMAP. Sometimes it's called a REMS program. This was part of the requirement by FDA. Q. And do you see the next category listed under strategy and tools is prescriber education?			
9 10 11 12 13 14 15 16	prescribing. Do you see that? A. Yes. Q. And education? A. Yes. Q. And the educational materials were to be distributed to physicians, patients and pharmacists.	10 11 12 13 14 15 16 17	Q. Required by? A. So this is a RiskMAP. Sometimes it's called a REMS program. This was part of the requirement by FDA. Q. And do you see the next category listed under strategy and tools is prescriber education? A. Yes.			
9 10 11 12 13 14 15 16 17	prescribing. Do you see that? A. Yes. Q. And education? A. Yes. Q. And the educational materials were to be distributed to physicians, patients and pharmacists. Do you see that?	10 11 12 13 14 15 16 17	Q. Required by? A. So this is a RiskMAP. Sometimes it's called a REMS program. This was part of the requirement by FDA. Q. And do you see the next category listed under strategy and tools is prescriber education? A. Yes. Q. And did you have a			
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9 10 11 12 13 14 15 16 17 18	prescribing. Do you see that? A. Yes. Q. And education? A. Yes. Q. And the educational materials were to be distributed to physicians, patients and pharmacists. Do you see that?	10 11 12 13 14 15 16 17 18 19 20	Q. Required by? A. So this is a RiskMAP. Sometimes it's called a REMS program. This was part of the requirement by FDA. Q. And do you see the next category listed under strategy and tools is prescriber education? A. Yes. Q. And did you have a prescriber education a person who was in charge of prescriber education			
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	Page 309		Page 310			
1	for any opioid products?	1	A. So we have medical affairs			
2	MS. VENTURA: Objection.	2	department, pharmacovigilance program and			
3	Foundation.	3	1 8 3			
4	THE WITNESS: So for generic	4	I would say brand.			
5	product, we did not have someone	5	Q. Who would be doing what?			
6	who was in charge of prescriber	6	A. The brand education, or any			
7	education.	7	education-related material.			
8	BY MS. BAIG:	8	Q. Okay. And so it would be			
9	Q. My question was with respect	9	that department that would devise patient			
10	to opioid products, all opioid products.	10	leaflets for prescriber education?			
11	MS. VENTURA: Same	11	MS. VENTURA: Objection.			
12	objection.	12	Foundation.			
13	THE WITNESS: So remember,	13	THE WITNESS: So this is			
14	typically generic product, we did	14	so this was a program that would			
15	not reach out to prescribers or	15	be part of the application. And			
16	physicians.	16	so this is just a requirement.			
17	BY MS. BAIG:	17	But we had not, during my tenure			
18	Q. My understanding my	18	there, decided how to execute			
19	question to you is whether or not you had	19	these requirements.			
20	a department or a person who was in	20	BY MS. BAIG:			
21	charge of prescriber education for any	21	Q. Did you ever have any			
22	opioid products, whether it be branded or	22	involvement with prescriber education?			
23	generic. Do you know of anyone that was	23	A. I did not.			
24	involved in that?	24	Q. The next category is patient			
21	mvorved in that:		Q. The next eategory is patient			
	Page 311		Page 312			
1	education. Did you ever have any	1	A. I did not.			
2	involvement with patient education?	2	Q. How about the National			
3	MS. GERMANO: Are we talking	3	Addiction Vigilance and Prevention			
4	specific to this drug?	4	Program?			
5	MS. BAIG: No. For any	5	A. Where is that?			
6	drugs.	6	Q. Couple pages later, 4.1.1.			
7	MS. GERMANO: Objection as	7	A. Okay. I see that. It's			
8	to foundation.	8	875.			
9	THE WITNESS: As I said	9	Q. Did you have any involvement			
10	earlier, generic product	10	with that organization?			
11	generic products selling or	11	A. I did not.			
12	marketing typically did not	12	Q. Two pages later you see			
13	involve patient direct patient	13	under 4.1.8, street something called			
14	interaction.	14	street surveillance? "Actavis will			
	micracion.		conduct street surveillance by means of			
1 5	RV MS RAIG:	1 15	•			
15 16	BY MS. BAIG:	15 16	-			
16	Q. Do you recall having any	16	ethnographic research which employs a			
16 17	Q. Do you recall having any experience with patient education for any	16 17	ethnographic research which employs a range of observational data collection			
16 17 18	Q. Do you recall having any experience with patient education for any opioid products ever while you were at	16 17 18	ethnographic research which employs a range of observational data collection methods to perform targeted quantitative			
16 17 18 19	Q. Do you recall having any experience with patient education for any opioid products ever while you were at Alpharma or Actavis?	16 17 18 19	ethnographic research which employs a range of observational data collection methods to perform targeted quantitative investigations to explore discrepancies			
16 17 18 19 20	Q. Do you recall having any experience with patient education for any opioid products ever while you were at Alpharma or Actavis? A. I do not recall any such	16 17 18 19 20	ethnographic research which employs a range of observational data collection methods to perform targeted quantitative investigations to explore discrepancies between what individuals report they do			
16 17 18 19 20 21	Q. Do you recall having any experience with patient education for any opioid products ever while you were at Alpharma or Actavis? A. I do not recall any such education.	16 17 18 19 20 21	ethnographic research which employs a range of observational data collection methods to perform targeted quantitative investigations to explore discrepancies between what individuals report they do and the actions they effectively take."			
16 17 18 19 20 21 22	Q. Do you recall having any experience with patient education for any opioid products ever while you were at Alpharma or Actavis? A. I do not recall any such education. Q. Did you have any involvement	16 17 18 19 20 21 22	ethnographic research which employs a range of observational data collection methods to perform targeted quantitative investigations to explore discrepancies between what individuals report they do and the actions they effectively take." Were you aware of any such			
16 17 18 19 20 21 22 23	Q. Do you recall having any experience with patient education for any opioid products ever while you were at Alpharma or Actavis? A. I do not recall any such education. Q. Did you have any involvement with the National Institute on Drug	16 17 18 19 20 21 22 23	ethnographic research which employs a range of observational data collection methods to perform targeted quantitative investigations to explore discrepancies between what individuals report they do and the actions they effectively take." Were you aware of any such program at Actavis?			
16 17 18 19 20 21 22	Q. Do you recall having any experience with patient education for any opioid products ever while you were at Alpharma or Actavis? A. I do not recall any such education. Q. Did you have any involvement	16 17 18 19 20 21 22	ethnographic research which employs a range of observational data collection methods to perform targeted quantitative investigations to explore discrepancies between what individuals report they do and the actions they effectively take." Were you aware of any such			

	Page 313		Page 314			
1	had at that time, I was not aware of	1	Q. Under 4.1.9 there's a			
2	street surveillance.	2				
3	Q. All right. Were you aware	3 you see that?				
4	of any street surveillance at Actavis	4	A. I see that.			
5	with respect to any opioid product?	5	Q. And it says, "Actavis will			
6	A. I was not aware.	6	organize an external, cross-functional			
7	Q. You never heard of it?	7 expert advisory group comprised of				
8	A. I heard of, in the sense of	8	specialists in opioid addiction therapy,			
9	in a document like this, and I think	9	epidemiology, bioinformatics or other			
10	because Actavis did not directly conduct	10	related disciplines."			
11	such surveillance, that's not to say they	11	Do you see that?			
12	did not contract other people to do that.	12	A. Yes.			
13	Q. Who did they contract to do	13	Q. And that the group would			
14	that?	14	meet quarterly?			
15	A. This is the responsibility	15	A. I see that.			
16	of regulatory affairs group and	16	Q. At least quarterly?			
17	potentially other groups. It was not the	17	A. Yeah. I said it I read			
18	responsibility of marketing, sales and	18	it's in the document.			
19	marketing group.	19	Q. Yes. Okay. So do you know			
20	Q. So do you know who those	20	anything about that expert advisory			
21	groups worked with for street	21	group?			
22	A. I do not.	22	A. Are you talking about			
23	Q for street surveillance?	23	specific to this program?			
24	A. I do not.	24	Q. Specific to any opioids.			
		1	Dage 316			
1		1	Page 316 MS VENTURA: Objection			
1	MS. VENTURA: Objection to	1	MS. VENTURA: Objection.			
2	MS. VENTURA: Objection to form.	2	MS. VENTURA: Objection. Foundation.			
2 3	MS. VENTURA: Objection to form. THE WITNESS: I was not	2	MS. VENTURA: Objection. Foundation. MR. MAIER: Objection.			
2 3 4	MS. VENTURA: Objection to form. THE WITNESS: I was not aware of that.	2 3 4	MS. VENTURA: Objection. Foundation. MR. MAIER: Objection. Foundation.			
2 3 4 5	MS. VENTURA: Objection to form. THE WITNESS: I was not aware of that. BY MS. BAIG:	2 3 4 5	MS. VENTURA: Objection. Foundation. MR. MAIER: Objection. Foundation. THE WITNESS: I was not			
2 3 4 5 6	MS. VENTURA: Objection to form. THE WITNESS: I was not aware of that. BY MS. BAIG: Q. Of an expert, any expert	2 3 4 5 6	MS. VENTURA: Objection. Foundation. MR. MAIER: Objection. Foundation. THE WITNESS: I was not aware of any generic expert			
2 3 4 5 6 7	MS. VENTURA: Objection to form. THE WITNESS: I was not aware of that. BY MS. BAIG: Q. Of an expert, any expert advisory group?	2 3 4 5 6 7	MS. VENTURA: Objection. Foundation. MR. MAIER: Objection. Foundation. THE WITNESS: I was not aware of any generic expert advisory group for generic			
2 3 4 5 6 7 8	MS. VENTURA: Objection to form. THE WITNESS: I was not aware of that. BY MS. BAIG: Q. Of an expert, any expert advisory group? A. So I take it back. I was	2 3 4 5 6 7 8	MS. VENTURA: Objection. Foundation. MR. MAIER: Objection. Foundation. THE WITNESS: I was not aware of any generic expert advisory group for generic product, whether it's opioid or			
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1 MS. VENTURA: Objection to form. 2 form. 3 THE WITNESS: I was not 100 percent sure. 5 BY MS. BAIG: 6 Q. Well, when did you first 7 hear about it? 8 MS. GERMANO: Objection. 9 Foundation. 10 THE WITNESS: I don't remember. 11 remember. 12 BY MS. BAIG: 13 Q. Well, if you wanted to know 12 BY MS. BAIG: 14 about the expert advisory group for the 15 branded - for the branded opioid products, who would you talk to? 17 MR. KNAPP: Foundation. 18 THE WITNESS: First, I don't 16 branded - for the branded opioid 17 MR. KNAPP: Foundation. 19 have reason to know whether we have one. But if I needed to, 1 would ask Nathalie Letich. 20 have one. But if I needed to, 1 would ask Nathalie Letich. 21 BY MS. BAIG: 22 BY MS. BAIG: 23 Q. You testified that you 24 thought there was an advisory group for the advisory group? 24 thought where was an advisory group for branded opioid products? 25 MS. BAIG: 26 Q. Do you see on the very last of - of references? 27 A. Yes. 28 PAS. BAIG: 29 Q. Would you have read these articles when you received the references? 30 A. Yes. 31 A. I did. 41 Q. So you are familiar with the searticles generally? 32 BY MS. BAIG: 33 D. Would have read these articles expert advisory group for branded opioid products? 34 A. I did. 35 D. MS. VENTURA: Objection. 36 D. Would you have read these articles when you received the references? 31 A. I did. 32 A. No. I did not. 33 D. Would you have read these articles generally? 34 D. Would you have read these articles when you received the references? 35 A. I did. 36 D. Foundation. 37 D. The HDA Research Foundation? 38 D. A. Well - Association, is that the HDA? 39 D. The WITNESS: Well, not the articles, I was looking at the articles, I was looking at the articles when you received the articles when you received the articles when you received the articles of the product of the doctors that were on the very last of the doctors that were on the very last of the doctors that were on the - that were involved in the advisory group? 4 A. No, I did not. 4 A. No, I did not. 5 D. The HDA		Page 317		Page 318			
THE WITNESS: I was not 100 percent sure. Whose about the advisory group for branded opioid products? Whose AMS. VENTURA: Objection. Foundation. Page 319 A. No, I did not. D. Did you have any hiteraction with any of the following organizations, the American Pain Society? A. No, I did not. O. Did you have any hiteraction with any of the following organizations, the American Pain Society? A. No, I did not. O. Did you have any but logether? MR. KNAPP: Objection to form. THE WITNESS: I don't advisory group for a branded product? MR. MAIER: Objection to form. THE WITNESS: I don't advisory group for a branded product? MR. KNAPP: Objection to form. THE WITNESS: I don't advisory group for a branded product? MR. KNAPP: Objection to form. THE WITNESS: I don't advisory group for a branded product? MR. KNAPP: Objection to form. THE WITNESS: I don't advisory group for a branded product? MR. KNAPP: Objection to form. THE WITNESS: I don't advisory group for a branded product? MR. KNAPP: Objection to form. THE WITNESS: I don't advisory group for a branded product? MR. KNAPP: Objection to form. Page 319 A. No, I did not. Q. Did you have any interaction with any of the following organizations, the American Pain Society? A. No, I did not. Q. Center For Healtheare Supply Chain Research Foundation? A. No, I did not. Q. The HDA Research Foundation? A. No, I did not. Q. The HDA Research Foundation? A. No, I did not. Q. The National Wholesale Druggists Association. So I think it's – I don't know if it's the same. THE WITNESS: Well, not the advisory group for ducts. The WITNESS: I don't have read the appendix. Would you have read the advisory group for brand product. A. Did not. Q. The HDA Research Foundation? A. No, I did not. Q. The HDA Research Foundation? A. No, I did not. Q. The HDA Re				_			
THE WITNESS: I was not 1 100 percent sure. 4 1 100 percent sure. 5 BY MS. BAIG: 5 Foundation. 5 Foundation. 5 Foundation. 6 Q. Well, when did you first 6 Poundation. 9 Foundation. 9 Foundation. 9 Foundation. 9 Foundation. 9 Foundation. 9 BY MS. BAIG: 10 Q. Well, if you wanted to know 14 about the expert advisory group for the 15 branded for the branded opioid 15 products, who would you talk to? 16 products, who would you talk to? 17 MR. KNAPP: Foundation. 17 THE WITNESS: IT, I don't 19 have reason to know whether we 10 have one. But if I needed to, I 20 BY MS. BAIG: 21 Would ask Nathalie Leitch. 22 BY MS. BAIG: 22 O. You testified that you 24 thought there was an advisory group for brand had an advisory group. 24 WR. KNAPP: Objection. 25 WR. KNAPP: Objection. 26 WR. KNAPP: Objection. 27 MR. KNAPP: Objection. 29 WR. KNAPP: Objection. 20 With any of the doctors that were on the - that were involved in the advisory group? 24 WR. KNAPP: Objection. 27 MR. KNAPP: Objection. 29 WR. KNAPP: Objection. 20 With any of the following organizations, the f		•					
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20	18	THE WITNESS: First, I don't	18	THE WITNESS: I typically			
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22 BY MS. BAIG: 23 Q. You testified that you 24 thought there was an advisory group for Page 319 Page 320 1 Foundation. MS. VENTURA: Objection. 2 MS. VENTURA: Objection. 3 Foundation. 4 THE WITNESS: I did not. 5 BY MS. BAIG: 6 Q. Do you see on the very last 7 page of this document there's a list 8 of of references? 9 A. Yes. 10 Q. Would you have read these 11 articles when you received the 12 references? 13 A. I did. 14 Q. So you are familiar with 15 these articles generally? 16 MR. MAIER: Objection to 17 form. 18 THE WITNESS: Well, not the 19 articles, I was looking at the 20 A. Woll dyou have read the 21 BY MS. BAIG: 22 of the doctors that were on the that were involved in the advisory group? MR. KNAPP: Objection. Page 320 A. No, I did not. Q. Did you have any interaction with any of the following organizations, the American Pain Society? A. No, I did not. Q. The HDA Research Foundation? A. No, I did not. Q. Center For Healthcare Supply Chain Research? A. No. A. No. 11 A. No, I did not. Q. The HDA Research Foundation? A. No, I did not. Q. Center For Healthcare Supply Chain Research? A. No. A. No. 11 A. No, I did not. Q. The HDA Research Foundation? A. No, I did not. Q. Center For Healthcare Supply Chain Research? A. No. A. No. 11 A. No, I did not. Q. The HDA Research Foundation? A. No, I did not. Q. Notional Wholesale Drug Chain Research? A. No. 11 A. No, I did not. Q. The HDA Research Foundation? A. No, I did not. Q. The National Wholesale Drug Chain Research? A. No, I did not. Q. The National Wholesale Drug Chain Research? A. No. 17 A. No, I did not. Q. The National Wholesale Drug Chain Research? A. No, I did not. Q. The National Wholesale Drug Chain Research? A. No, I did not. Q. The National Wholesale Drug Chain Research? A. No, I did not. Q. The National Wholesale Drug Chain Research? A. No, I did not. Q. The National Wholesale Drug Chain Research? A. No, I did not. Q. The National Wholesale Drug Chain Research? A. Well Q. Y	20	have one. But if I needed to, I	20	BY MS. BAIG:			
23 Q. You testified that you 24 thought there was an advisory group for Page 319 Page 320 1 Foundation. 2 MS. VENTURA: Objection. 3 Foundation. 3 Foundation. 4 THE WITNESS: I did not. 5 BY MS. BAIG: 6 Q. Do you see on the very last 7 page of this document there's a list 8 of - of references? 9 A. Yes. 10 Q. Would you have read these 11 A. No, I did not. 9 Did you have any interaction with any of the following organizations, the American Pain Society? A. No, I did not. 9 Center For Healthcare Supply 9 A. Yes. 9 Chain Research? 10 Q. Wouldy on have read these 11 Q. National Wholesale Druggists 12 references? 13 A. I did. 14 Q. So you are familiar with 15 these articles generally? 15 (Q. The National Wholesale Drug 16 MR. MAIER: Objection to 17 form. 18 THE WITNESS: Well, not the 19 articles, I was looking at the 20 appendix. 21 BY MS. BAIG: 22 Q. You would have read the appendix. 23 appendix. Would you have read the actual 24 Q. HDMA.	21	would ask Nathalie Leitch.	21	Q. I see. Do you know of any			
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21 BY MS. BAIG: 21 saying? 22 Q. You would have read the 22 A. HDMA, yeah. 23 appendix. Would you have read the actual 23 Q. HDMA.				· · · · · · · · · · · · · · · · · · ·			
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23 appendix. Would you have read the actual 23 Q. HDMA.							
		2					
2.1 How about the / microal fall							
		articles cited there.		Trow acoust the 7 threshoun 1 till			

	Page 321		Page 322		
1	Foundation?	1	typically work with key opinion leaders,		
2	A. I did not.	2	but I don't know any specifics about		
3	Q. American Academy of Pain	3	Actavis' involvement with the key opinion		
4	Medicine?	4	leaders.		
5	A. No, I did not.	5	Q. Okay. Do you know who any		
6	Q. U.S. Pain Foundation?	6	of the key opinion leaders were with		
7	A. No.	7	respect to opioids?		
8	O. And what was the extent of	8	A. No, I do not.		
9	your involvement with the HDMA?	9	Q. Okay.		
10	A. I attended sometimes the	10	MS. BAIG: I don't have any		
11	HDMA's annual conference.	11	further questions. Thank you.		
12	Q. Did you ever work with key	12	THE WITNESS: Thank you.		
13	opinion leaders?	13	MR. MAIER: We'll take a		
14	A. No, I did not.	14	couple minutes and come back.		
15		15	We'll very, very quick.		
	Q. Who worked with the key	16	THE VIDEOGRAPHER: Going off		
16	opinion leaders at Actavis?	17	the record. The time is 5:02.		
17	MR. KNAPP: Foundation.				
18	MS. VENTURA: Objection to	18	(Short break.)		
19	form.	19	THE VIDEOGRAPHER: We are		
20	THE WITNESS: I don't know.	20	going back on record. Beginning		
21	BY MS. BAIG:	21	of Media File 10. The time is		
22	Q. You never heard of Actavis	22	5:12.		
23	working with key opinion leaders before?	23			
24	A. I think brand company	24	EXAMINATION		
	Page 323		Page 324		
1		1	sales meeting that would be update on the		
2	BY MR. MAIER:	2	SOM. Further, several years down the		
3	Q. Jinping, I just have a	3	road, we also enhanced the system with		
4	couple of questions for you.	4	more automation and working with a		
5	You testified earlier today	5	consultant to update our system and to		
6	that you understood that Schedule II	6	have a more complete, enhanced processes		
7	substances had to be taken seriously and	7	and procedures.		
8	carried certain obligations for	8	Q. And for as long as you		
9	suspicious order monitoring. How did you	9	worked with Schedule IIs, did you feel		
10	gain that understanding?	10	like you had a sufficient understanding		
11	A. I gained that understanding	11	of suspicious order monitoring to		
12	through several aspects. First,	12	participate in Actavis' program the way		
13	on-the-job training through interaction	13	you did?		
14	with the DEA liaison, our security	14	A. Oh, absolutely. I think		
15	officer, customer service, and regulatory	15	it's a constant reminder of what our		
16	affairs people.	16	obligations were and then it was		
17	It's also through our	17	permeated through our day-to-day		
18	day-to-day operation and working with,	18	operation.		
19	you know, people who were ahead of me and	19	MR. MAIER: That's all I		
20	understanding the obligations.	20	have. Thank you.		
21	Additionally, throughout	21	MS. BAIG: I have nothing.		
22	the my working career there, there	21	THE VIDEOGRAPHER: All		
23	were constantly enhancement in the SOM				
. / >	were constantly enhancement in the SOM	23	right. This concludes today's		
24	process. For example, we would have	24	deposition. We're going off the		

Page 326
CERTIFICATE I HEREBY CERTIFY that the witness was duly sworn by me and that the deposition is a true record of the testimony given by the witness. It was requested before completion of the deposition that the witness, JINPING McCORMICK, have the opportunity to read and sign the deposition transcript. MICHELLE L. GRAY, A Registered Professional Reporter, Certified Shorthand Reporter, Certified Realtime Reporter and Notary Public Dated: January 14, 2019 (The foregoing certification of this transcript does not apply to any reproduction of the same by any means, unless under the direct control and/or supervision of the certifying reporter.)
Page 328
ERRATA ERRATA ERRATA PAGE LINE CHANGE REASON:

Case: 1:17-md-02804-DAP Doc #: 1981-14 Filed: 07/24/19 83 of 83. PageID #: 238786

	Page 329			Page 330
1		1	LAWYER'S NOTES	
2	ACKNOWLEDGMENT OF DEPONENT	2	PAGE LINE	
3	THE RESERVE OF BEAUTY	3		
4	I,, do	4		
5	hereby certify that I have read the			
6	foregoing pages, 1 - 330, and that the	5		
7	same is a correct transcription of the	6		
8	answers given by me to the questions	7		
9	therein propounded, except for the	8		
10	corrections or changes in form or	9		
11	substance, if any, noted in the attached	10		
12	Errata Sheet.	11		
13		12		
14		13		
15		14		
16	JINPING McCORMICK DATE	15		
17		16		
18		17		
19	Subscribed and sworn	18		
	to before me this	19		
20	day of, 20	20		
21	My commission expires:	21		
22		22		
		23		
23	Notary Public			
24		24		